



# Journal of the Senate

Number 3—Special Session D

Friday, November 17, 1989

## CALL TO ORDER

The Senate was called to order by the President at 9:05 a.m. A quorum present—37:

Mr. President	Diaz-Balart	Kiser	Stuart
Bankhead	Dudley	Langley	Thomas
Beard	Forman	Malchon	Thurman
Brown	Gardner	Margolis	Walker
Bruner	Girardeau	McPherson	Weinstein
Childers, D.	Grant	Meek	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Plummer	
Davis	Johnson	Scott	
Deratany	Kirkpatrick	Souto	

Excused: Senators Casas, Gordon and Peterson

## PRAYER

The following prayer was offered by the Secretary of the Senate, Joe Brown:

For your gifts of guidance and grace, we give thanks to thee, O Lord God. Amen.

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bill to be placed on the Special Order Calendar for Friday, November 17, 1989: CS for SB 12-D

Respectfully submitted,  
*James A. Scott, Chairman*

## INTRODUCTION AND REFERENCE OF BILLS

### First Reading

By the Committee on Appropriations—

**SB 28-D**—A bill to be entitled An act making supplemental appropriations; providing moneys for the annual period beginning July 1, 1989 and ending June 30, 1990, to pay salaries, other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; supplementing or adjusting items appropriated by Chapter 89-253, Laws of Florida; providing an effective date.

—which was referred to the Committee on Appropriations.

## FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Appropriations and Senator Beard—

**CS for SB 12-D**—A bill to be entitled An act relating to transportation; amending s. 119.07, F.S.; correcting a cross-reference; amending s. 332.004, F.S.; providing definitions; amending s. 332.006, F.S.; providing for separate identification of development projects and discretionary capacity improvement projects in the statewide aviation system plan; authorizing the expenditure of funds on road and rail transportation systems which provide direct access to airport property; amending s. 332.007, F.S.; providing that compliance with the reporting requirements of s. 326.006(10), F.S., is a prerequisite to eligibility for funds under this section; providing that airport sponsors must establish airport master plans that are consistent with the approved local government comprehensive plans; requiring consistency of aviation projects with airport master plans as a condition for state funding eligibility; providing funding priority for specified airport development projects; authorizing expenditure of funds for projects which provide for construction of an automatic weather observation station; authorizing retroactive reimbursement for the non-

federal share of certain land acquisition projects; authorizing participation by the Department of Transportation in the capital cost of eligible public airport and aviation discretionary capacity improvement projects; limiting the amount of discretionary capacity improvement project funds that a single airport may receive; allowing the department to transfer funds for discretionary capacity improvement projects within the discretionary capacity improvements program; setting the maximum percentage of eligible project costs that the department may provide for eligible discretionary capacity improvement projects, including land acquisition projects; amending s. 332.01, F.S.; revising the definition of "airport" to include access to airport facilities; amending s. 333.01, F.S.; providing definitions; amending s. 333.02, F.S.; providing for regulation of land uses in the vicinity of airports; amending s. 333.03, F.S.; providing procedures for adoption of airport zoning regulations; requiring interim airport land use compatibility zoning regulations, except in specified circumstances; creating the Airport Safety and Land Use Compatibility Study Commission; amending s. 333.05, F.S.; providing procedures for the adoption of zoning regulations; amending s. 333.06, F.S.; providing for airport zoning requirements; providing purposes and requiring independent justification for each aspect of such purpose; amending s. 333.07, F.S.; providing for variance requirements; creating s. 332.115, F.S.; providing for transportation corridors connecting ports and airports to be established and operated pursuant to a joint project agreement; providing for review by the department; amending s. 337.242, F.S.; providing that movement of people and goods to and from the ports of this state is a transportation use; amending s. 337.25, F.S.; providing for lease of rail corridors to ports; creating s. 311.07, F.S.; creating the Florida Seaport Transportation and Economic Development Trust Fund; providing for the Florida Seaport Transportation and Economic Development Trust Fund to be funded from the Transportation Trust Fund; authorizing uses of moneys in the trust fund to provide grants for specified port facilities and improvements on a 50-50 matching basis; specifying eligibility for project funding; providing limitations on receipt of moneys from the trust fund; requiring ports which receive port improvement funds to institute equal opportunity hiring procedures for jobs created as a result of such funds; requiring ports that receive moneys from the fund to file audited financial statements with the department; providing for future review and repeal; creating s. 311.09, F.S.; creating the Florida Seaport Transportation Economic Development Council within the Department of Commerce to approve and rank projects for funding; providing for membership of the council; requiring the council to create and annually update a 5-year Florida Seaport Mission Plan; requiring the council to annually submit the Florida Seaport Mission Plan to the President of the Senate, the Speaker of the House of Representatives, the Department of Commerce, the Department of Transportation and the Department of Community Affairs; requiring the council to adopt rules for evaluating and ranking projects; requiring the council to submit a list of projects it approves for funding to the Department of Transportation, the Department of Commerce, and the Department of Community Affairs for review; requiring the council to review the findings of such agencies; specifying certain requirements relative to the council's budget request; requiring the Department of Commerce to include a block grant appropriation for port improvement projects in its annual budget request; providing meeting and voting requirements for the council; providing for per diem and travel expenses of council members; providing for administrative costs; providing for future review and repeal; amending s. 339.175, F.S., relating to transportation planning organizations; revising membership of metropolitan planning organizations; amending s. 341.031, F.S.; revising definitions for purposes of the Florida Public Transit Act; amending s. 341.041, F.S.; requiring the Department of Transportation to develop and administer state measures concerning public transit systems and including productivity and cost distribution in such measures; deleting the term "standards" and substituting "measures"; revising the measures for certain responsibilities of the department relating to operation of transit systems; amending s. 341.051, F.S.; requiring the department to

develop a capital investment policy and to submit the policy and recommended legislation to specified legislative committees; creating s. 341.052, F.S.; establishing a public transit block grant program; providing uses for which block grant funds may be expended; providing limitations on use of funds; providing for distribution of funds; providing for review of the distribution of funds by the Coordinating Council on the Transportation Disadvantaged and for a report of recommendations to legislative transportation committees; creating s. 341.053, F.S.; creating an intermodal development program; requiring the department to administer the program; providing priorities for funding projects within such program; creating s. 341.071, F.S.; requiring the establishment of public transportation master plans consistent with approved local comprehensive plans; requiring eligible public transit providers to establish productivity and performance measures; requiring certain reports and publication with respect to such measures; amending s. 341.102, F.S.; deleting the prohibition preventing local governments from economically regulating nonpublic-sector buses engaged in intercity transportation; prohibiting such regulations of nonpublic-sector buses engaged primarily in intercounty transportation; amending s. 206.46, F.S.; providing funding for the Urban Transportation Trust Fund; providing minimum percentages of the State Transportation Trust Fund that the Department of Transportation must allocate to fund specified categories of public transportation projects; creating s. 338.001, F.S.; requiring the department to plan and develop a proposed Florida Intrastate Highway System Plan; requiring certain components to be included in the system; prescribing policy guidelines; providing an objective; requiring the department to establish standards and criteria for facilities proposed to be part of the system; providing funding for developing the plan; prohibiting the construction of a project as part of the Florida Intrastate Highway System if the project is not in the system plan; requiring the proposed system plan to be submitted to the Legislature; amending s. 334.03, F.S.; amending definitions of terms used in the Florida Transportation Code; defining the term "Florida Intrastate Highway System"; amending s. 334.046, F.S.; adding to the program of objectives of the department the objective of developing and implementing that system; amending ss. 288.063, 479.01, F.S.; amending cross-references; amending s. 338.165, F.S.; providing for application of section; amending s. 338.221, F.S.; providing definitions of terms used in the "Florida Turnpike Law"; amending s. 338.222, F.S.; allowing the department to contract with local government entities for the design or construction of, or right-of-way acquisition for, legislatively approved turnpike projects; amending s. 338.223, F.S.; providing for proposed turnpike projects; requiring a finding of environmental feasibility; amending s. 338.227, F.S.; restricting the turnpike projects which may be paid for by turnpike revenue bonds to those which are legislatively authorized; creating s. 338.2275, F.S.; listing approved turnpike projects; providing the maximum amount of bonds that may be issued to fund such projects; amending s. 215.82, F.S.; requiring that actions to validate turnpike bonds be filed in the circuit court of the county where the seat of state government is situated; amending s. 338.228, F.S.; restricting the use of state funds for turnpike revenue bonds or turnpike projects; amending s. 338.231, F.S.; allowing the department to establish toll rates higher than the uniform system rate in specified circumstances; amending s. 338.251, F.S.; providing restrictions on the repayment of, and eligibility for, advances from the Toll Facilities Revolving Trust Fund; providing for deposit of repayments into the Toll Facilities Revolving Trust Fund; providing for an exception; creating the Florida Expressway Authority Act; providing definitions; providing for the creation of expressway authorities by counties and certain contiguous counties; providing for the governing body of an expressway authority; authorizing an expressway authority to construct and operate expressway systems within its geographic boundaries; providing rights and powers of an expressway authority; providing that consent of a municipality for an expressway within its boundaries is not required; requiring certain public hearings; authorizing the issuance of bonds on behalf of an expressway authority; authorizing a lease-purchase agreement between the Department of Transportation and an expressway authority; requiring that a pledge of county gasoline tax funds under such a lease-purchase agreement be made pursuant to resolution by the board of county commissioners; providing for the department to be appointed agent for construction of an expressway system; providing for an expressway authority to acquire lands and property; authorizing an expressway authority to exercise the right of eminent domain; exempting an authority from certain liability due to soil or groundwater contamination; authorizing other units of government to enter into contracts and agreements with an expressway authority; providing a covenant that the state shall not alter rights of an expressway authority or the department until all bonds issued pursuant to the act are discharged; exempting the property and revenues of an

expressway authority from taxation; providing that the Florida Expressway Authority Act does not apply to counties in certain circumstances; creating s. 337.276, F.S.; providing for the acquisition in advance of rights-of-way; providing for the division of amounts allocated to such acquisition; authorizing the issuance of bonds to finance such acquisition; amending s. 335.185, F.S.; providing permitting conditions; amending s. 73.091, F.S.; providing for payment of the costs of eminent domain proceedings; creating s. 73.032, F.S.; providing criteria for an offer of judgment in eminent domain proceedings; amending s. 73.092, F.S.; providing criteria for the award of attorneys' fees in eminent domain proceedings; amending s. 337.271, F.S.; authorizing the use of mediation in eminent domain proceedings; allowing actions for the recovery of reasonable costs; providing for the applicability of the provisions of this act that pertain to eminent domain proceedings; amending s. 339.12, F.S.; providing for aid and contributions by governmental entities for rights-of-way, construction, or maintenance of roads in the State Highway System; providing for agreements between the department and the governing body of a governmental entity to perform projects related to roads that are not revenue-producing; allowing the department to reimburse the governmental entity for such project; providing restrictions upon such reimbursement; amending s. 335.20, F.S.; providing restrictions and conditions on departmental funding for projects funded under this section; requiring the department to develop criteria to determine whether a road is of statewide or regional significance, to submit these criteria to the Florida Transportation Commission for approval, and to propose a reclassification based on the criteria; requiring the commission to determine the fiscal impact on state and local governments of the proposed reclassification and a timetable for the phased transfer of roads; prohibiting the initiation of transfers of roads after a specified date; amending s. 120.53, F.S.; revising a provision of the Administrative Procedure Act with respect to agency notice of a decision on bids to allow notification by express delivery service; amending s. 337.106, F.S.; providing that the requirement for professional liability insurance with respect to firms rendering certain services to the Department of Transportation may be waived by the department under certain circumstances; amending s. 337.11, F.S.; revising provisions relating to contracting with the Department of Transportation; providing for bid solicitation notices with respect to certain contracts; revising language with respect to protests, bids, and recordkeeping; amending s. 337.16, F.S.; providing an exception to the requirement of disqualification of delinquent contractors; correcting a cross-reference; amending s. 337.175, F.S.; revising language with respect to retainage; amending s. 287.042, F.S.; defining the terms "minority business enterprise" and "minority person"; amending s. 339.135, F.S.; providing for allocating public transit block grants; providing requirements for the tentative work program; amending s. 339.155, F.S.; providing requirements of the Florida Transportation Plan; revising deadlines pertaining to the tentative work program, the report required by s. 339.135(4)(j), F.S., and updates of the Florida Transportation Plan; amending s. 212.055, F.S.; removing referendum requirements for the local government infrastructure surtax and the transit system surtax; specifying counties which may levy such taxes; providing for distribution of the local government infrastructure surtax to school districts; creating ss. 206.101, 206.102, F.S.; consolidating state taxes on motor fuel and local option taxes on motor fuel; providing for collection, enforcement, and administration of such taxes; providing collection allowances; providing for additional taxes on motor fuel; providing for annual adjustment of tax rate; renumbering and amending ss. 206.23, 206.02, 206.021, 206.404, 206.055, 206.026, 206.027, 206.028, 206.03, 206.04, 206.05, 206.065, 206.43, 206.09, 206.095, 206.10, 206.48, 206.485, 206.62, 206.42, 206.41, 206.425, 212.67, 206.11, 206.44, 206.426, 206.56, 206.14, 206.18, 206.06, 206.07, 206.075, 206.19, 206.21, 206.215, 206.24, 206.27, 206.59, 206.406, 206.45, 206.47, 206.60, 206.605, 212.69, 206.89, 206.90, 206.91, 206.87, 206.877, 206.875, 206.879, 206.97, F.S.; creating s. 206.703, F.S.; amending ss. 206.01, 206.9915, 206.9825, 206.9845, 206.9931, 206.9942, 207.003, 207.005, 212.05, 212.08, 336.021, 336.025, F.S.; consolidating and reorganizing provisions of chapters 206, 212, 336, F.S., relating to the taxation of motor fuel; providing for the return of certain taxes paid by a school district to such school district; providing for a tax on special fuel; providing for the deposit of such tax into the Local Government Special Fuel Tax Trust Fund for distribution to counties and municipalities; revising certain tax exemptions relating to special fuels; imposing a penalty for failure to make certain reports; revising certain cross-references; revising certain definitions; creating s. 206.178, F.S.; authorizing certain importers and jobbers to self-accrue and remit taxes under certain circumstances; providing an exemption from paying certain taxes; renumbering ss. 206.022, 206.025, 206.12, 206.15, 206.16, 206.17, 206.175, 206.20, 206.204, 206.205, 206.22, 206.28, 206.405, 206.445, 206.46, 206.61, 206.85,

206.86, 206.88, 206.92, 206.96, F.S.; amending ss. 7.52, 163.3184, 207.023, 207.026, 215.22, 218.21, 336.024, 376.301, 849.092, F.S.; correcting cross-references; including the Local Government Special Fuel Tax Trust Fund in a list of funds assessed a service charge for deposit in the General Revenue Fund; amending s. 320.072, F.S.; providing for a fee increase on certain motor vehicle registration transactions; amending s. 212.0606, F.S.; increasing the surcharge on the lease or rental of certain motor vehicles; providing for distribution; amending s. 320.08, F.S.; providing a uniform license tax for automobiles for private use and certain trucks; amending s. 320.14, F.S.; providing that fractional license taxes are not applicable to automobiles for private use and certain trucks, trailers, and semitrailers; providing alternative fractional license taxes for certain truck tractors; amending ss. 206.877, 212.05, 320.055, 320.06, 320.0609, 320.0805, 320.083, 320.0843, 348.217, F.S.; conforming cross-references; amending s. 320.03, F.S.; raising the fee on license registration; providing for the amount of such fee to be returned to counties for air pollution control programs; amending ss. 163.803, 163.805, 163.806, 163.807, 163.808, F.S.; deleting references to the metropolitan transit authority local option gas tax, which is repealed by this act; amending s. 336.045, F.S.; providing an environmental design component in certain uniform minimum standards of the Department of Transportation; amending ss. 403.718, 403.7185, F.S.; removing the requirement that waste tire fees and lead-acid battery fees are subject to state and local sales taxes; creating s. 338.250, F.S.; providing for Central Florida Beltway Mitigation; providing legislative intent; providing a procedure for environmental mitigation required as a result of construction of the beltway; creating s. 236.76, F.S.; providing for distribution of the local government infrastructure surtax to school districts; providing for expenditure of proceeds; providing a definition; repealing ss. 206.08, 206.25, 206.435, 206.49, 206.625, 206.63, 206.64, 206.93, 206.94, 206.945, 212.60, 212.61, 212.62, 212.6201, 212.63, 212.635, 212.64, 212.65, 212.655, 212.66, 336.026, F.S., relating to the motor fuel tax and the sales tax on motor fuel and special fuel; allowing the department and private entities to enter into contracts for the construction and leasing of public transportation demonstration projects; providing effective dates.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### First Reading

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has passed as amended, House Bills 52-D and 53-D and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By Representative Figg and others—

**HB 52-D**—A bill to be entitled An act relating to the transportation needs of Florida; creating s. 338.001, F.S.; creating the Florida Intrastate Highway System Plan; amending s. 334.03, F.S.; redefining the term "controlled access facility," "limited access facility," and "State Highway System"; defining the term "Florida Intrastate Highway System"; amending s. 334.046, F.S.; including the development and implementation of the Florida Intrastate Highway System within the program objectives of the Department of Transportation; amending ss. 288.063 and 479.01, F.S.; correcting cross references; amending s. 338.221, F.S.; redefining the terms "turnpike system," "turnpike improvement," "economically feasible," and "turnpike project"; defining the term "verification of environmental feasibility"; amending s. 338.222, F.S.; prohibiting governmental entities, other than the department, from operating turnpike projects; amending s. 338.223, F.S.; revising language with respect to proposed turnpike projects; providing for legislative approval at a certain point; amending s. 338.227, F.S.; providing reference to legislative approval with respect to turnpike revenue bonds; encouraging minority business participation; providing a limitation on the use of revenues and bond proceeds by the Department of Transportation with respect to the Florida Turnpike Law; creating s. 338.2275, F.S.; providing for approved turnpike projects; providing a list of approved projects; providing for economic feasibility; amending s. 348.243, F.S.; providing an additional power of the Broward County Expressway Authority; amending s. 338.228, F.S.; revising language with respect to certain bonds not being considered debts or pledges of credit by the state; amending s. 338.231, F.S.; revising language with respect to turnpike tolls; amending s. 338.251, F.S.; revising language with respect to the fund; prohibiting advancements under certain circumstances; providing for the deposit of certain funds into the Toll Facilities Revolving Trust Fund; renaming chapter 338, F.S., as Flor-

ida Intrastate Highway System and Toll Facilities; creating s. 337.276, F.S.; providing requirements with respect to the Department of Transportation in regard to advanced acquisition of right-of-way; amending s. 339.135, F.S.; providing for identification of advanced right-of-way acquisition projects and right-of-way phases in the tentative work program; requiring additional information in the report submitted by the department with the tentative work program; amending s. 339.155, F.S.; providing for the identification and acquisition of right-of-way in the development of the statewide transportation plan; amending s. 339.12, F.S.; revising language with respect to aid and contributions by governmental entities for rights-of-way, construction, or maintenance of roads and bridges in the State Highway System; amending s. 335.20, F.S.; revising the Local Government Transportation Assistance Act with respect to project funding by the Department of Transportation; creating s. 334.048, F.S.; providing legislative intent with respect to department management accountability and monitoring systems; amending s. 20.23, F.S.; providing additional duties of the secretary; deleting a responsibility of the Florida Transportation Commission; revising language with respect to the central office; providing for additional duties for the central office; providing for additional duties of the Assistant Secretary for Finance and Administration; providing for a chief internal auditor; providing additional responsibilities of each district secretary; revising language with respect to certain contracts; amending s. 337.221, F.S.; providing for a claims settlement process; creating s. 337.162, F.S.; providing requirements with respect to substandard services; amending s. 339.149, F.S.; providing for periodic audits by the Auditor General; amending s. 120.53, F.S.; revising language with respect to agencies providing notice of decision under the Administrative Procedure Act; encouraging the participation of minority business enterprises; amending s. 287.012; providing an exception to the definition of contractual services; amending s. 337.11, F.S.; requiring the department to take certain steps prior to advertisement of work for bid; revising language with respect to the contracting authority of the Department of Transportation; amending s. 337.16, F.S.; revising language with respect to bid disqualification; amending s. 337.175, F.S.; revising language with respect to retainage; creating ss. 348.116-348.127, F.S.; creating the "Florida Expressway Authority Act"; providing definitions; providing for the formation and membership of the authority; providing purpose and powers; providing for bonds; providing for lease-purchase agreements; authorizing the Division of Bond Finance to appoint the Department of Transportation as agent for construction; providing for acquisition of lands and property; providing for cooperation; providing the covenant of the state; providing for exemption from taxation; providing for applicability; amending s. 73.091, F.S.; conforming a cross reference to other changes made by the act; creating s. 73.032, F.S.; providing for offer of judgment in eminent domain actions; providing for acceptance, rejection, and withdrawal of the offer of judgment; requiring the person making the offer to make certain construction plans available; amending s. 73.092, F.S.; revising procedures for award of attorney's fees in eminent domain proceedings; requiring that the greatest weight be given to benefits resulting to the client; providing for reduction of attorney's fees to be paid pursuant to a fee agreement in specified circumstances; providing circumstances for limiting attorney's fees after rejection of an offer of judgment; amending s. 337.271, F.S.; specifying contents of the invoice for costs in Department of Transportation negotiations for land acquisition; providing for nonbinding mediation of compensation and business damage claims; providing that certain statements used in mediation are not admissible in subsequent proceedings; specifying applicability; creating s. 338.250, F.S.; providing for Central Florida Beltway mitigation; amending s. 20.23, F.S.; changing the title of the Assistant Secretary for Planning and Engineering to the Assistant Secretary for Planning, Engineering, and Public Transportation; providing for appointment by the Secretary of Transportation of a State Public Transportation Administrator; providing that the State Public Transportation Administrator report to the Assistant Secretary for Planning, Engineering, and Public Transportation; amending s. 119.07, F.S.; correcting a reference; amending s. 206.46, F.S.; appropriating funds from the State Transportation Trust Fund; amending s. 212.055, F.S.; specifying the uses of the Charter County Transit discretionary sales surtax; creating s. 311.07, F.S.; creating the Florida Seaport Transportation and Economic Development Program; creating s. 311.09, F.S.; creating the Florida Seaport Transportation and Economic Development Council; providing powers and duties; amending s. 332.004, F.S.; providing definitions; amending s. 332.006, F.S.; providing for separate identification of development projects and discretionary capacity improvement projects in the statewide aviation system plan; permitting expenditure of funds on road and rail transportation systems which are on airport property; amending s. 332.007, F.S.; providing for consistency of airport master plans with local government

comprehensive plans prior to receipt of funds; requiring consistency of aviation projects with airport master plans as a condition for state funding eligibility; providing funding priority for specified airport development projects; authorizing expenditure of funds for projects which provide for construction of an automatic weather observation station; authorizing retroactive reimbursement for the nonfederal share of certain land acquisition projects; authorizing participation by the Department of Transportation in the capital cost of eligible public airport and aviation discretionary capacity improvement projects; authorizing expenditure of funds for projects which provide improved airport access subject to approval by the sponsor; limiting the amount of discretionary capacity improvement project funds that a single airport may receive; allowing the department to transfer funds for discretionary capacity improvement projects within the discretionary capacity improvements program; setting the rate of participation by the department in the costs of eligible discretionary capacity improvement projects, including land acquisition projects; amending s. 332.01, F.S.; revising the definition of "airport" to include access to airport facilities; amending s. 332.11, F.S.; allowing sponsors to establish a joint agreement to acquire and construct equipment, appurtenances, and land necessary to establish, maintain, and operate a transportation corridor connecting an airport and seaport facility; providing that such corridor shall not be considered an aviation or port project for purposes of state funding; amending s. 333.01, F.S.; providing definitions; amending s. 333.02, F.S.; providing for regulation of land uses in the vicinity of airports; amending s. 333.03, F.S.; providing for adoption of zoning regulations for runway clear zones and airport land use compatibility; creating s. 333.031, F.S.; creating the Airport Safety and Land Use Compatibility Study Commission; providing for a report; amending s. 333.05, F.S.; providing for adoption of zoning regulations in runway clear zones; amending s. 333.06, F.S.; providing for zoning requirements; amending s. 333.07, F.S.; providing for variance requirements; creating the Urban Transportation Research Trust Fund; providing that the fund be administered by the Board of Regents; providing that moneys for such fund be from the State Transportation Trust Fund and other sources as determined by the Legislature; providing for distribution of funds in the trust fund by the Board of Regents to the Center for Urban Transportation Research; providing for promulgation of rules by the Board of Regents to administer the trust fund; amending s. 334.065, F.S.; authorizing the Center for Urban Transportation Research to expend moneys from the Urban Transportation Research Trust Fund; amending s. 337.242, F.S.; providing that movement of people and goods to and from seaports and airports is a transportation use; amending s. 337.25, F.S.; providing for lease of rail corridors to ports; amending s. 339.08, F.S.; providing an additional use for funds in the State Transportation Trust Fund; amending s. 339.135, F.S.; providing for allocation of public transit block grant funds; amending s. 339.155, F.S.; requiring the statewide transportation plan to take into account certain port master plans; amending s. 339.175, F.S.; revising language with respect to transportation planning organizations; revising membership of metropolitan planning organizations; amending s. 341.031, F.S.; revising definitions for purposes of the Florida Public Transit Act; amending s. 341.041, F.S.; requiring the Department of Transportation to develop and administer state measures concerning public transit systems and including productivity and cost distribution in such measures; revising the measures for certain responsibilities of the department relating to operation of transit systems; amending s. 341.051, F.S.; requiring the department to develop and implement a capital investment policy; creating s. 341.052, F.S.; establishing a public transit block grant program; providing uses for which block grant funds may be expended; providing limitations on use of funds; allocating 5 percent of the public transit block grant funds to the Transportation Disadvantaged Trust Fund; providing limitations on use of funds; requiring study on transportation disadvantaged funding needs; creating s. 341.053, F.S.; creating an intermodal development program; requiring the department to administer the program; providing priorities for funding; creating s. 341.071, F.S.; requiring the establishment of transit development plans consistent with approved local comprehensive plans; requiring eligible public transit providers to establish productivity and performance measures; requiring certain reports and publication with respect thereto; amending s. 341.102, F.S.; prohibiting restrictions on nonpublic-sector buses engaged primarily in intercounty transportation; creating part III of chapter 343, F.S.; creating the "Tampa Bay Commuter Rail Authority Act"; providing definitions; creating the Tampa Bay Commuter Rail Authority; providing for membership; establishing terms of members; providing for filling vacancies; providing powers and duties of the authority; providing for interagency cooperation and contracts; requiring authority to comply with equal opportunity hiring practices; providing for public and private funding; authorizing

issuance of revenue bonds; directing that bonds are not debts or pledges of credit of the state; requiring the authority to develop an annual operating plan; providing for annual review of plan; providing for pledge to bondholders; amending s. 341.325, F.S.; providing for feasibility and planning studies for high speed rail facilities and for most promising corridors; amending ss. 212.05 and 212.62, F.S.; increasing the rate of the tax on the sale of fuels; revising requirements for calculating the annual adjustment thereof; providing for determination of a minimum tax; creating s. 212.68, F.S.; providing for the levy of a tax on motor fuel and a tax on special fuel and providing for the rates thereof; providing for application of refunds; amending s. 206.055, F.S., relating to penalty for failure to pay tax, to include said taxes; repealing s. 336.026, F.S., which authorizes the levy of a local option gas tax on motor fuel and special fuel for metropolitan transportation systems; amending s. 206.87, F.S.; providing for a tax on special fuel used or sold in each county; providing for determination of the tax rate; providing for collection, distribution, and use of the proceeds; amending ss. 206.47 and 206.91, F.S.; revising provisions relating to calculation of a consumption factor and application of a dealer's credit; amending s. 336.021, F.S., which authorizes the imposition of a voted gas tax; limiting the application of such tax to motor fuel; amending s. 336.025, F.S., which authorizes the imposition of a local option gas tax for county transportation systems; limiting the application of such tax to motor fuel; amending ss. 207.003, 207.005, and 207.026, F.S.; revising the rate and allocation of the tax on the privilege of operating a commercial motor vehicle; amending ss. 163.805, 163.806, 163.807, and 163.808, F.S., relating to the Metropolitan Transportation Authority Act; deleting the authority of participating entities to levy the local option fuel tax for metropolitan transportation systems; amending ss. 206.404 and 212.67, F.S.; correcting references; amending s. 206.9825, F.S.; increasing the excise tax on aviation fuel and the minimum tax rate applicable to certain air carriers; providing for annual adjustment of such rates; amending s. 212.0606, F.S.; increasing the surcharge on rental of motor vehicles; specifying that the surcharge is subject to all applicable taxes under chapter 212; revising the distribution of the proceeds thereof; amending s. 319.32, F.S.; increasing certain motor vehicle title certificate fees and providing for disposition thereof; revising provisions relating to annual decal fees for vehicles fueled by alternative fuels and the disposition thereof; amending s. 320.14, F.S.; revising provisions which authorize fractional license taxes under certain conditions; amending s. 336.045, F.S.; revising language with respect to uniform minimum standards and criteria for certain roads to include an environmental design component; providing for levy of the tax imposed by s. 212.68, F.S., on certain existing fuel inventory; amending s. 163.3177, F.S.; requiring units of local government of a specified population to include in their comprehensive plans certain elements which are optional for other local governments; requiring such units of local government to address a transportation system element, and authorizing other local governments to address such element; specifying content of the mass transit and parking elements; amending s. 163.3174, F.S.; providing procedures for preparation and adoption of comprehensive plan amendments; amending s. 163.3184, F.S.; providing additional entities to receive a copy of a comprehensive plan, plan amendment, or comment thereon; providing for assistance to the Department of Transportation in providing comments on local comprehensive plans; extending time periods for adoption of local plans; providing for transmittal of copies of adopted plans; specifying penalties for failure to timely adopt a plan; extending the time for review of adopted plans; providing for review of adopted plans by the regional planning council; specifying criteria for determination of compliance; providing for notice of intent to find local action in compliance or not in compliance; amending s. 163.3202, F.S.; changing the date by which counties and municipalities must adopt land development regulations; requiring such regulations to contain specified additional provisions; providing that the change in the date for adoption of such regulations applies retroactively; providing for a study on allocations of roads between state and local government; providing for reports; amending ss. 403.718 and 403.7185, F.S., exempting waste tire and lead battery fees from sales tax; providing effective dates.

—was referred to the Committees on Transportation and Appropriations.

By Representatives Figg and Wetherell—

**HB 53-D**—A bill to be entitled An act making supplemental appropriations to the 1989 General Appropriations Act; providing additional moneys for the annual period beginning July 1, 1989, and ending on June 30, 1990, to pay salaries, other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the Department



of Transportation which are in addition to those moneys appropriated in Chapter 89-253, Laws of Florida; providing an effective date.

—was referred to the Committees on Transportation and Appropriations.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Margolis, by two-thirds vote SB 28-D was withdrawn from the Committee on Appropriations and by two-thirds vote placed on the special order calendar.

#### SPECIAL ORDER

On motion by Senator Beard, by two-thirds vote—

**CS for SB 12-D**—A bill to be entitled An act relating to transportation; amending s. 119.07, F.S.; correcting a cross-reference; amending s. 332.004, F.S.; providing definitions; amending s. 332.006, F.S.; providing for separate identification of development projects and discretionary capacity improvement projects in the statewide aviation system plan; authorizing the expenditure of funds on road and rail transportation systems which provide direct access to airport property; amending s. 332.007, F.S.; providing that compliance with the reporting requirements of s. 326.006(10), F.S., is a prerequisite to eligibility for funds under this section; providing that airport sponsors must establish airport master plans that are consistent with the approved local government comprehensive plans; requiring consistency of aviation projects with airport master plans as a condition for state funding eligibility; providing funding priority for specified airport development projects; authorizing expenditure of funds for projects which provide for construction of an automatic weather observation station; authorizing retroactive reimbursement for the non-federal share of certain land acquisition projects; authorizing participation by the Department of Transportation in the capital cost of eligible public airport and aviation discretionary capacity improvement projects; limiting the amount of discretionary capacity improvement project funds that a single airport may receive; allowing the department to transfer funds for discretionary capacity improvement projects within the discretionary capacity improvements program; setting the maximum percentage of eligible project costs that the department may provide for eligible discretionary capacity improvement projects, including land acquisition projects; amending s. 332.01, F.S.; revising the definition of "airport" to include access to airport facilities; amending s. 333.01, F.S.; providing definitions; amending s. 333.02, F.S.; providing for regulation of land uses in the vicinity of airports; amending s. 333.03, F.S.; providing procedures for adoption of airport zoning regulations; requiring interim airport land use compatibility zoning regulations, except in specified circumstances; creating the Airport Safety and Land Use Compatibility Study Commission; amending s. 333.05, F.S.; providing procedures for the adoption of zoning regulations; amending s. 333.06, F.S.; providing for airport zoning requirements; providing purposes and requiring independent justification for each aspect of such purpose; amending s. 333.07, F.S.; providing for variance requirements; creating s. 332.115, F.S.; providing for transportation corridors connecting ports and airports to be established and operated pursuant to a joint project agreement; providing for review by the department; amending s. 337.242, F.S.; providing that movement of people and goods to and from the ports of this state is a transportation use; amending s. 337.25, F.S.; providing for lease of rail corridors to ports; creating s. 311.07, F.S.; creating the Florida Seaport Transportation and Economic Development Trust Fund; providing for the Florida Seaport Transportation and Economic Development Trust Fund to be funded from the Transportation Trust Fund; authorizing uses of moneys in the trust fund to provide grants for specified port facilities and improvements on a 50-50 matching basis; specifying eligibility for project funding; providing limitations on receipt of moneys from the trust fund; requiring ports which receive port improvement funds to institute equal opportunity hiring procedures for jobs created as a result of such funds; requiring ports that receive moneys from the fund to file audited financial statements with the department; providing for future review and repeal; creating s. 311.09, F.S.; creating the Florida Seaport Transportation Economic Development Council within the Department of Commerce to approve and rank projects for funding; providing for membership of the council; requiring the council to create and annually update a 5-year Florida Seaport Mission Plan; requiring the council to annually submit the Florida Seaport Mission Plan to the President of the Senate, the Speaker of the House of Representatives, the Department of Commerce, the Department of Transportation and the Department of Community Affairs; requiring the council to adopt rules for evaluating and ranking projects; requiring the council to submit a list of projects it

approves for funding to the Department of Transportation, the Department of Commerce, and the Department of Community Affairs for review; requiring the council to review the findings of such agencies; specifying certain requirements relative to the council's budget request; requiring the Department of Commerce to include a block grant appropriation for port improvement projects in its annual budget request; providing meeting and voting requirements for the council; providing for per diem and travel expenses of council members; providing for administrative costs; providing for future review and repeal; amending s. 339.175, F.S., relating to transportation planning organizations; revising membership of metropolitan planning organizations; amending s. 341.031, F.S.; revising definitions for purposes of the Florida Public Transit Act; amending s. 341.041, F.S.; requiring the Department of Transportation to develop and administer state measures concerning public transit systems and including productivity and cost distribution in such measures; deleting the term "standards" and substituting "measures"; revising the measures for certain responsibilities of the department relating to operation of transit systems; amending s. 341.051, F.S.; requiring the department to develop a capital investment policy and to submit the policy and recommended legislation to specified legislative committees; creating s. 341.052, F.S.; establishing a public transit block grant program; providing uses for which block grant funds may be expended; providing limitations on use of funds; providing for distribution of funds; providing for review of the distribution of funds by the Coordinating Council on the Transportation Disadvantaged and for a report of recommendations to legislative transportation committees; creating s. 341.053, F.S.; creating an intermodal development program; requiring the department to administer the program; providing priorities for funding projects within such program; creating s. 341.071, F.S.; requiring the establishment of public transportation master plans consistent with approved local comprehensive plans; requiring eligible public transit providers to establish productivity and performance measures; requiring certain reports and publication with respect to such measures; amending s. 341.102, F.S.; deleting the prohibition preventing local governments from economically regulating nonpublic-sector buses engaged in intercity transportation; prohibiting such regulations of nonpublic-sector buses engaged primarily in intercounty transportation; amending s. 206.46, F.S.; providing funding for the Urban Transportation Trust Fund; providing minimum percentages of the State Transportation Trust Fund that the Department of Transportation must allocate to fund specified categories of public transportation projects; creating s. 338.001, F.S.; requiring the department to plan and develop a proposed Florida Intrastate Highway System Plan; requiring certain components to be included in the system; prescribing policy guidelines; providing an objective; requiring the department to establish standards and criteria for facilities proposed to be part of the system; providing funding for developing the plan; prohibiting the construction of a project as part of the Florida Intrastate Highway System if the project is not in the system plan; requiring the proposed system plan to be submitted to the Legislature; amending s. 334.03, F.S.; amending definitions of terms used in the Florida Transportation Code; defining the term "Florida Intrastate Highway System"; amending s. 334.046, F.S.; adding to the program of objectives of the department the objective of developing and implementing that system; amending ss. 288.063, 479.01, F.S.; amending cross-references; amending s. 338.165, F.S.; providing for application of section; amending s. 338.221, F.S.; providing definitions of terms used in the "Florida Turnpike Law"; amending s. 338.222, F.S.; allowing the department to contract with local government entities for the design or construction of, or right-of-way acquisition for, legislatively approved turnpike projects; amending s. 338.223, F.S.; providing for proposed turnpike projects; requiring a finding of environmental feasibility; amending s. 338.227, F.S.; restricting the turnpike projects which may be paid for by turnpike revenue bonds to those which are legislatively authorized; creating s. 338.2275, F.S.; listing approved turnpike projects; providing the maximum amount of bonds that may be issued to fund such projects; amending s. 215.82, F.S.; requiring that actions to validate turnpike bonds be filed in the circuit court of the county where the seat of state government is situated; amending s. 338.228, F.S.; restricting the use of state funds for turnpike revenue bonds or turnpike projects; amending s. 338.231, F.S.; allowing the department to establish toll rates higher than the uniform system rate in specified circumstances; amending s. 338.251, F.S.; providing restrictions on the repayment of, and eligibility for, advances from the Toll Facilities Revolving Trust Fund; providing for deposit of repayments into the Toll Facilities Revolving Trust Fund; providing for an exception; creating the Florida Expressway Authority Act; providing definitions; providing for the creation of expressway authorities by counties and certain contiguous counties; providing for the governing body of an expressway authority; authorizing an expressway

authority to construct and operate expressway systems within its geographic boundaries; providing rights and powers of an expressway authority; providing that consent of a municipality for an expressway within its boundaries is not required; requiring certain public hearings; authorizing the issuance of bonds on behalf of an expressway authority; authorizing a lease-purchase agreement between the Department of Transportation and an expressway authority; requiring that a pledge of county gasoline tax funds under such a lease-purchase agreement be made pursuant to resolution by the board of county commissioners; providing for the department to be appointed agent for construction of an expressway system; providing for an expressway authority to acquire lands and property; authorizing an expressway authority to exercise the right of eminent domain; exempting an authority from certain liability due to soil or groundwater contamination; authorizing other units of government to enter into contracts and agreements with an expressway authority; providing a covenant that the state shall not alter rights of an expressway authority or the department until all bonds issued pursuant to the act are discharged; exempting the property and revenues of an expressway authority from taxation; providing that the Florida Expressway Authority Act does not apply to counties in certain circumstances; creating s. 337.276, F.S.; providing for the acquisition in advance of rights-of-way; providing for the division of amounts allocated to such acquisition; authorizing the issuance of bonds to finance such acquisition; amending s. 335.185, F.S.; providing permitting conditions; amending s. 73.091, F.S.; providing for payment of the costs of eminent domain proceedings; creating s. 73.032, F.S.; providing criteria for an offer of judgment in eminent domain proceedings; amending s. 73.092, F.S.; providing criteria for the award of attorneys' fees in eminent domain proceedings; amending s. 337.271, F.S.; authorizing the use of mediation in eminent domain proceedings; allowing actions for the recovery of reasonable costs; providing for the applicability of the provisions of this act that pertain to eminent domain proceedings; amending s. 339.12, F.S.; providing for aid and contributions by governmental entities for rights-of-way, construction, or maintenance of roads in the State Highway System; providing for agreements between the department and the governing body of a governmental entity to perform projects related to roads that are not revenue-producing; allowing the department to reimburse the governmental entity for such project; providing restrictions upon such reimbursement; amending s. 335.20, F.S.; providing restrictions and conditions on departmental funding for projects funded under this section; requiring the department to develop criteria to determine whether a road is of statewide or regional significance, to submit these criteria to the Florida Transportation Commission for approval, and to propose a reclassification based on the criteria; requiring the commission to determine the fiscal impact on state and local governments of the proposed reclassification and a timetable for the phased transfer of roads; prohibiting the initiation of transfers of roads after a specified date; amending s. 120.53, F.S.; revising a provision of the Administrative Procedure Act with respect to agency notice of a decision on bids to allow notification by express delivery service; amending s. 337.106, F.S.; providing that the requirement for professional liability insurance with respect to firms rendering certain services to the Department of Transportation may be waived by the department under certain circumstances; amending s. 337.11, F.S.; revising provisions relating to contracting with the Department of Transportation; providing for bid solicitation notices with respect to certain contracts; revising language with respect to protests, bids, and recordkeeping; amending s. 337.16, F.S.; providing an exception to the requirement of disqualification of delinquent contractors; correcting a cross-reference; amending s. 337.175, F.S.; revising language with respect to retainage; amending s. 287.042, F.S.; defining the terms "minority business enterprise" and "minority person"; amending s. 339.135, F.S.; providing for allocating public transit block grants; providing requirements for the tentative work program; amending s. 339.155, F.S.; providing requirements of the Florida Transportation Plan; revising deadlines pertaining to the tentative work program, the report required by s. 339.135(4)(j), F.S., and updates of the Florida Transportation Plan; amending s. 212.055, F.S.; removing referendum requirements for the local government infrastructure surtax and the transit system surtax; specifying counties which may levy such taxes; providing for distribution of the local government infrastructure surtax to school districts; creating ss. 206.101, 206.102, F.S.; consolidating state taxes on motor fuel and local option taxes on motor fuel; providing for collection, enforcement, and administration of such taxes; providing collection allowances; providing for additional taxes on motor fuel; providing for annual adjustment of tax rate; renumbering and amending ss. 206.23, 206.02, 206.021, 206.404, 206.055, 206.026, 206.027, 206.028, 206.03, 206.04, 206.05, 206.065, 206.43, 206.09, 206.095, 206.10, 206.48, 206.485, 206.62, 206.42,

206.41, 206.425, 212.67, 206.11, 206.44, 206.426, 206.56, 206.14, 206.18, 206.06, 206.07, 206.075, 206.19, 206.21, 206.215, 206.24, 206.27, 206.59, 206.406, 206.45, 206.47, 206.60, 206.605, 212.69, 206.89, 206.90, 206.91, 206.87, 206.877, 206.875, 206.879, 206.97, F.S.; creating s. 206.703, F.S.; amending ss. 206.01, 206.9915, 206.9825, 206.9845, 206.9931, 206.9942, 207.003, 207.005, 212.05, 212.08, 336.021, 336.025, F.S.; consolidating and reorganizing provisions of chapters 206, 212, 336, F.S., relating to the taxation of motor fuel; providing for the return of certain taxes paid by a school district to such school district; providing for a tax on special fuel; providing for the deposit of such tax into the Local Government Special Fuel Tax Trust Fund for distribution to counties and municipalities; revising certain tax exemptions relating to special fuels; imposing a penalty for failure to make certain reports; revising certain cross-references; revising certain definitions; creating s. 206.178, F.S.; authorizing certain importers and jobbers to self-accrue and remit taxes under certain circumstances; providing an exemption from paying certain taxes; renumbering ss. 206.022, 206.025, 206.12, 206.15, 206.16, 206.17, 206.175, 206.20, 206.204, 206.205, 206.22, 206.28, 206.405, 206.445, 206.46, 206.61, 206.85, 206.86, 206.88, 206.92, 206.96, F.S.; amending ss. 7.52, 163.3184, 207.023, 207.026, 215.22, 218.21, 336.024, 376.301, 849.092, F.S.; correcting cross-references; including the Local Government Special Fuel Tax Trust Fund in a list of funds assessed a service charge for deposit in the General Revenue Fund; amending s. 320.072, F.S.; providing for a fee increase on certain motor vehicle registration transactions; amending s. 212.0606, F.S.; increasing the surcharge on the lease or rental of certain motor vehicles; providing for distribution; amending s. 320.08, F.S.; providing a uniform license tax for automobiles for private use and certain trucks; amending s. 320.14, F.S.; providing that fractional license taxes are not applicable to automobiles for private use and certain trucks, trailers, and semitrailers; providing alternative fractional license taxes for certain truck tractors; amending ss. 206.877, 212.05, 320.055, 320.06, 320.0609, 320.0805, 320.083, 320.0843, 348.217, F.S.; conforming cross-references; amending s. 320.03, F.S.; raising the fee on license registration; providing for the amount of such fee to be returned to counties for air pollution control programs; amending ss. 163.803, 163.805, 163.806, 163.807, 163.808, F.S.; deleting references to the metropolitan transit authority local option gas tax, which is repealed by this act; amending s. 336.045, F.S.; providing an environmental design component in certain uniform minimum standards of the Department of Transportation; amending ss. 403.718, 403.7185, F.S.; removing the requirement that waste tire fees and lead-acid battery fees are subject to state and local sales taxes; creating s. 338.250, F.S.; providing for Central Florida Beltway Mitigation; providing legislative intent; providing a procedure for environmental mitigation required as a result of construction of the beltway; creating s. 236.76, F.S.; providing for distribution of the local government infrastructure surtax to school districts; providing for expenditure of proceeds; providing a definition; repealing ss. 206.08, 206.25, 206.435, 206.49, 206.625, 206.63, 206.64, 206.93, 206.94, 206.945, 212.60, 212.61, 212.62, 212.6201, 212.63, 212.635, 212.64, 212.65, 212.655, 212.66, 336.026, F.S., relating to the motor fuel tax and the sales tax on motor fuel and special fuel; allowing the department and private entities to enter into contracts for the construction and leasing of public transportation demonstration projects; providing effective dates.

—was read the second time by title.

Senator Beard moved the following amendment which was adopted:

**Amendment 1**—On page 131, strike all of lines 5-13 and insert:

(e)1. An additional tax of 4 cents per gallon, which tax shall be adjusted on July 1 of each year by the percentage change calculated in subparagraph 206.101(1)(d)1.

2. No later than December 31, 1989, any transportation district may elect, as provided herein, to not levy the tax in the transportation district. The election to not levy the tax imposed pursuant to subparagraph 1. shall be decided by a majority vote to not levy such tax made by the county commissions representing a majority of the population in a transportation district

Senator Brown moved the following amendment which was adopted:

**Amendment 2**—On page 71, line 16, after the word "economic" insert: and environmental

Senator Stuart moved the following amendment which failed:

**Amendment 3**—On page 125, line 22 through page 135, line 9; page 196, line 3, through page 198, line 17; page 220, line 23, through page 230,

line 16; and page 237, line 6, through page 243, line 31, strike all of said lines, renumber sections appropriately, and on page 275, between lines 27 and 28 insert:

**Section 168. Additional tax on motor fuels; distribution.—**

(1) In addition to all other taxes required by law, a tax of 10 cents per gallon is imposed upon the first sale or first removal from storage, after importation into this state, of motor fuel. For purposes of this subsection, the term "first sale" does not include exchanges or loans, gallon-for-gallon, of motor fuel between licensed refiners before the fuel has been sold or removed through the loading rack or transfers between terminal facilities owned by the same taxpayer. The tax on motor fuel first imported into this state by a licensed refiner storing such fuel in a terminal facility shall be imposed when the product is first removed through the loading rack. The tax shall be remitted by the licensed refiner who owned the motor fuel immediately prior to removal of such fuel from storage.

(2)(a) The proceeds of the first 5 cents of such tax, after deducting the service charge pursuant to chapter 215, Florida Statutes, and any expense of collection, shall be distributed as follows:

1. One-fourth of the proceeds shall be distributed among the counties of the state. Each county's share of this distribution shall be in the same proportion to the entire distribution under this subparagraph as the proportion that the county's land area bears to the entire state land area. These proceeds shall be used for the construction, reconstruction, renovation, repair, or resurfacing of roads in the county's county road system.

2. One-fourth of the proceeds shall be distributed among the counties of the state pro rata. These proceeds shall be used for the construction, reconstruction, renovation, repair, or resurfacing of roads in the county's county road system.

3. One-fourth of the proceeds shall be distributed among the municipalities of the state. Each municipality's share of this distribution shall be in the same proportion to the entire distribution under this subparagraph as the proportion that the municipality's population bears to the entire state population. These proceeds shall be used for the construction, reconstruction, renovation, repair, or resurfacing of roads in the municipality's city street system.

4. One-fourth of the proceeds shall be distributed among the municipalities of the state. Each municipality's share of this distribution shall be in the same proportion to the entire distribution under this subparagraph as the proportion that the mileage of roads in the municipality's city street system bears to the total mileage of all city street systems in the state. These proceeds shall be used for the construction, reconstruction, renovation, repair, or resurfacing of roads in the municipality's city street system.

(b) The proceeds of the 6th, 7th, and 8th cents of such tax, after deducting the service charge pursuant to chapter 215, Florida Statutes, and any expense of collection, are appropriated to the Department of Transportation and shall be used for preservation of the state's primary road system, including, but not limited to, construction, reconstruction, repair, resurfacing, and replacement of bridges and roads which are on the State Highway System.

(c) The proceeds of the 9th and 10th cents of such tax, after deducting the service charge pursuant to chapter 215, Florida Statutes, and any expense of collection, shall be deposited into the Public Transportation Trust Fund and distributed to counties and municipalities for planning, implementing, and operating mass transportation.

A county or municipality may elect to spend tax proceeds received pursuant to this paragraph on the construction, reconstruction, renovation, repair, or resurfacing of roads on the State Highway System which are located within its jurisdiction if the project undertaken is included in the state's current 5-year transportation plan and is done according to state design standards. A county or municipality which undertakes a project on the State Highway System pursuant to this paragraph shall be reimbursed for such project by the Department of Transportation no later than the time scheduled for the project under the state's 5-year transportation plan. If the proceeds received by a county or municipality under this paragraph are not expended or encumbered within 1 year after receipt, such funds shall revert to the state and shall be redistributed among the counties or municipalities of the state according to the distribution formula under which they were originally distributed. Distributions shall be made to counties and municipalities pursuant to this paragraph no less frequently than monthly.

Section 169. Paragraph (g) of subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(g) At the rate of 6 5 percent of the price, as determined pursuant to part II of this chapter, of each gallon of motor fuel or special fuel taxable pursuant to that part, except that motor fuel and special fuel expressly taxable under this part shall be taxed as provided in paragraphs (a) and (b).

Section 170. Paragraph (a) of subsection (3) of section 212.62, Florida Statutes, is amended to read:

212.62 Tax imposed on sale of motor fuel and special fuel; tax upon ultimate consumer; determination by department; notification.—

(3)(a) Before July 1 of each year, the department shall determine the appropriate sales tax applicable to the retail price per gallon of motor fuel and of special fuel as follows:

1. The department shall determine the appropriate total motor fuel and special fuel retail price, including federal, state, and local excise taxes on such fuel, for the forthcoming 12-month period beginning July 1, by adjusting the initially established price by the percentage change in the average monthly gasoline price component of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending March 31, compared to the average for the 12-month period ending March 31, 1984. However, the adjustment provided herein shall first be made for the forthcoming 12-month period beginning July 1, 1985.

2. The tax per gallon shall be computed as 6 5 percent of the total retail price, rounded to the nearest tenth of a cent. However, it shall not be lower than 6.9 5-7 cents per gallon.

3. The initially established price is \$1.148 per gallon.

Section 171. Subsection (1) of section 336.025, Florida Statutes, is amended to read:

336.025 County transportation system; levy of local option gas tax on motor fuel and special fuel.—

(1)(a) In addition to other taxes allowed by law, there may be imposed as provided in this section a 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, ~~or 6-cent~~, or 7-cent local option gas tax upon every gallon of motor fuel and special fuel sold in a county and taxed under the provisions of part I or part II of chapter 206.

(b) The tax shall be imposed before July 1 to be effective September 1 of any year for a period not to exceed 30 years, and the applicable method of distribution shall be established pursuant to subsection (3) or subsection (4). Upon expiration, the tax may be reimposed provided that a redetermination of the method of distribution is made as provided in this section.

(c) County and municipal governments shall utilize moneys received pursuant to this section only for transportation expenditures.

(d) Any tax imposed pursuant to this section may be extended on a majority vote of the governing body of the county. A redetermination of the method of distribution shall be established pursuant to subsection (3) or subsection (4), if, after July 1, 1986, the tax is extended or the tax rate changed, for the period of extension or for the additional tax.

(e) Local governments may use the services of the Division of Bond Finance of the Department of General Services pursuant to the State Bond Act to issue any bonds through the provisions of this section and may pledge the revenues from the local option gas tax to secure the payment of the bonds. In no case may a jurisdiction issue bonds pursuant to this section more frequently than once per year. Counties and municipalities may join together for the issuance of bonds issued pursuant to this section.

Section 172. Subsection (1) of section 336.026, Florida Statutes, is amended to read:

336.026 Metropolitan transportation system; levy of local option gas tax on motor fuel and special fuel.—

(1)(a) In addition to other taxes allowed by law, including the ~~7-cent~~ ~~6-cent~~ local option gas tax on motor fuel and special fuel as provided in s. 336.025, there may be imposed as provided herein a 1-cent, 2-cent, or 3-cent, ~~or 4-cent~~ local option gas tax upon every gallon of motor fuel and special fuel sold in a regional ground transportation area as defined in s. 163.803(4) and taxed under the provisions of part I or part II of chapter 206.

(b) The tax shall be imposed effective 60 days after the first day of the month following the referendum ratifying the regional ground transportation plan pursuant to s. 163.805. The tax shall only be collected in those counties in a regional ground transportation area, as defined in s. 163.803(4), which have ratified the regional ground transportation plan adopted by the metropolitan transportation authority pursuant to s. 163.805.

(c) Metropolitan transportation authorities shall utilize moneys received pursuant to this section only as authorized in the Metropolitan Transportation Authority Act.

Section 173. Subsection (7) of section 163.805, Florida Statutes, is amended to read:

163.805 Regional ground transportation plans.—

(7) The ballot for such referendum shall consist of the following:

(a) The statement required to be included in the plan pursuant to subsection (4).

(b) Immediately following said statement, the words:

"These projects are to be paid for with the revenues from up to an additional 3 4 cents per gallon fuel tax and/or up to 1 mill of additional ad valorem taxes."

shall be included as a separate paragraph in type identical to that used to print the statement required in subsection (4) on the ballot.

(c) Immediately following the language required by paragraphs (a) and (b), the following question shall be placed on the ballot:

"Do you favor the ratification of the regional ground transportation plan and approve the levy of the fuel and/or ad valorem taxes to finance implementation of the plan?"

. . . . Yes—For the regional transportation plan.

. . . . No—Against the regional transportation plan."

(Renumber subsequent section.)

Senator Kiser moved the following amendment which was adopted:

**Amendment 4**—On page 275, between lines 27 and 28, insert:

Section 178. Subsection (6) of section 339.135, Florida Statutes, as amended by chapter 89-301, Laws of Florida, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(6) **ADOPTION OF THE WORK PROGRAM.**—The original approved budget for operational and fixed capital expenditures for the department shall be the Governor's budget recommendation and the first year of the tentative work program, as both are amended by the General Appropriations Act and any other act containing appropriations. In accordance with the appropriations act, the department shall, prior to the beginning of the fiscal year, adopt a final work program which shall only include the original approved budget for the department for the ensuing fiscal year together with any rollforwards approved pursuant to paragraph (7)(c) and the portion of the tentative work program for the following 4 fiscal years revised in accordance with the original approved budget for the department for the ensuing fiscal year together with said rollforwards. The adopted work program may include only those projects submitted as part of the tentative work program developed under the provisions of subsection (4) plus any projects which are separately identified by specific appropriation in the General Appropriations Act and any roll-

forwards approved pursuant to paragraph (7)(c). *However, any project which is identified by specific appropriation in the General Appropriations Act shall also be identified as a debit against the funds annually distributed to the respective district pursuant to paragraph (4)(a).* In the event that additional funds are appropriated in excess of those required to fund the projects contained in the tentative work program developed pursuant to this ~~subsection paragraph~~, such funds shall be utilized only on projects developed under paragraph (4)(j). In addition, the department shall not in any year include any project or allocate funds to a program in the adopted work program that is contrary to existing law for that particular year. Projects shall not be undertaken unless they are listed in the adopted work program.

(Renumber subsequent section.)

Senator Thurman moved the following amendment which was adopted:

**Amendment 5**—On page 54, line 26, strike the number "5" and insert: 15

Senators Kiser, Johnson and Beard offered the following amendment which was moved by Senator Kiser and adopted:

**Amendment 6**—On page 65, strike all of lines 15-20 and renumber subsequent sections.

The vote was:

Yeas—27

Beard	Diaz-Balart	Jennings	Myers
Brown	Dudley	Johnson	Scott
Bruner	Forman	Kiser	Souto
Childers, W. D.	Gardner	Langley	Thomas
Crenshaw	Girardeau	Malchon	Thurman
Davis	Grant	McPherson	Walker
Deratany	Grizzle	Meek	

Nays—5

Childers, D.	Plummer	Weinstein
Margolis	Stuart	

Vote after roll call:

Yea—Woodson-Howard

Senators Kiser and Johnson offered the following amendments which were moved by Senator Kiser and adopted:

**Amendment 7**—On page 80, line 22, strike "41 through 52" and insert: 40 through 51

**Amendment 8**—On page 103, line 28, strike "55 through 58" and insert: 54 through 57

Senator Langley moved the following amendment which was adopted:

**Amendment 9**—On page 74, strike all of lines 11-17 and insert: selection of underwriters to underwrite the revenue bonds to be issued to finance or refinance turnpike projects. This request for proposals must be issued no later than April 30, 1990.

Senators Meek and Girardeau offered the following amendment which was moved by Senator Girardeau and adopted:

**Amendment 10**—On page 113, strike all of lines 10-14 and insert:

1. For an action protesting a bid solicitation in which the lowest responsive bid exceeds \$250,000, the bond shall be \$5,000;

2. For an action protesting a bid rejection or contract award in which the lowest responsive bid exceeds \$250,000, the bond shall be an amount equal to 1 percent of the lowest bid submitted or \$5,000, whichever is greater.

3. For an action protesting a bid solicitation, bid rejection, or contract award in which the lowest responsive bid is \$250,000 or less, no bond shall be required.

Senator Souto moved the following amendment which was adopted:

**Amendment 11**—On page 108, line 30, after the period insert: In addition, the commission shall issue recommendations regarding prioritizing the maintenance and construction of roads based on the criteria developed pursuant to subsection (1).

Senator Forman moved the following amendment which was adopted:

**Amendment 12**—On page 275, between lines 27 and 28 insert:

Section 178. The Florida Transportation Commission, in conjunction with the Metropolitan Planning Organization Advisory Committee created by section 339.155, Florida Statutes, shall conduct a review of the responsibilities imposed upon Metropolitan Planning Organizations by state or federal law or rule or regulation and shall assess the adequacy of funding in light of such mandated responsibilities. The Florida Transportation Commission shall submit a report of its findings to the transportation committees of the Florida Senate and House of Representatives prior to April 1, 1990.

(Renumber subsequent section.)

Senator Gardner moved the following amendment:

**Amendment 13**—On page 125, lines 22 through page 129, line 28, strike all of said lines and renumber subsequent sections.

Senator Margolis moved the following substitute amendment which failed:

**Amendment 14**—On page 127, strike line 6 through page 132 and insert:

Section —. Subsection (2) of section 212.055, Florida Statutes, 1988 Supplement, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(a) The governing authority in each county may levy, for a period of up to 15 years from the date of levy, a discretionary sales surtax of 0.5 percent or 1 percent. The levy of the surtax shall be pursuant to one of the following methods:

1. An ordinance enacted by a majority of the members of the county governing authority and approved by a majority of the electors of the county voting in a referendum on the surtax;—If

2. The governing bodies of the municipalities representing a majority of the county's municipal population may adopt uniform resolutions establishing the rate of the surtax and calling for a referendum on the surtax, in which case the levy of the surtax shall be placed on the ballot and shall take effect if approved by a majority of the electors of the county voting in the referendum on the surtax; or

3. An ordinance enacted by an extraordinary vote of the members of the county governing authority, provided that the county governing authority and the governing bodies of municipalities representing a majority of the county's municipal population enter into an interlocal agreement regarding the distribution of the proceeds of the surtax. No referendum election called pursuant to the provisions of this subsection shall be held between March 9 and December 31, 1988.

(b) A county governing authority that enacts the tax by extraordinary vote pursuant to ordinance shall follow the regular enactment procedure for ordinances as set out in s. 125.66, except that the advertisement must contain a statement which includes a brief general description of the projects to be funded by the surtax. If the surtax is enacted pursuant to a referendum, a statement which includes a brief general description of the projects to be funded by the surtax and which conforms to the requirements of s. 101.161 shall be placed on the ballot by the governing authority of any county which enacts an ordinance calling for a referendum on the levy of the surtax or in which the governing bodies of the municipalities representing a majority of the county's municipal population adopt uniform resolutions calling for a referendum on the surtax. The following question shall be placed on the ballot:

. . . . FOR the . . . . -cent sales tax

. . . . AGAINST the . . . . -cent sales tax

(c) Pursuant to s. 212.054(4), any instance where the surtax has been enacted by a referendum, the proceeds of the surtax levied under this subsection shall be distributed to the county and the municipalities within such county in which the surtax was collected, according to:

1. An interlocal agreement between the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population; the interlocal agreement may include district school boards with the consent of the county governing authority and the municipalities representing a majority of the county's municipal population; or

2. If there is no interlocal agreement, according to the formula provided in s. 218.62.

(d)1. The proceeds of the surtax authorized by this subsection and any interest accrued thereto shall be expended within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure, to provide affordable housing, and acquire land for public recreation or conservation of natural resources. Neither the proceeds nor any interest accrued thereto shall be used for operational expenses of any infrastructure, except that the proceeds and any interest accrued thereto may be used for planning purposes in the development and implementation of the Local Government Comprehensive Planning and Land Development Regulation Act, pursuant to part II of chapter 163. Counties and municipalities, as defined in s. 125.011(1), may, in addition, use the proceeds to retire or service indebtedness incurred for bonds issued prior to July 1, 1987, for infrastructure purposes.

2. For the purposes of this paragraph, "infrastructure" means any fixed capital expenditure or fixed capital costs associated with the construction, reconstruction, or improvement of public facilities which have a life expectancy of 5 or more years and any land acquisition, land improvement, design, and engineering costs related thereto.

(e) Counties and municipalities receiving proceeds under the provisions of this subsection may pledge such proceeds for the purpose of servicing new bond indebtedness incurred pursuant to law. Local governments may use the services of the Division of Bond Finance of the Department of General Services pursuant to the State Bond Act to issue any bonds through the provisions of this subsection. In no case may a jurisdiction issue bonds pursuant to this subsection more frequently than once per year. Counties and municipalities may join together for the issuance of bonds authorized by this subsection.

(f) Counties and municipalities shall not use the surtax proceeds to supplant or replace user fees or to reduce ad valorem taxes existing prior to the levy of the surtax authorized by this subsection.

~~(g) No referendum proposing the levying of such surtax shall be held after November 30, 1992.~~

~~(g)(h)~~ Notwithstanding s. 212.054(5), the surtax must take effect on the first day of a month, as fixed by the ordinance adopted pursuant to paragraph (a), and may not take effect until at least 60 days after the date of enactment that the referendum approving the levy is held.

(h) No county may levy the surtax without referendum unless:

1. The county governing board is under a federal or state requirement to plan, construct, or acquire infrastructure;

2. The county governing board makes a legislative finding that the revenue to be derived from the tax is necessary to avoid an imminent federal or state requirement to plan, construct, or acquire infrastructure;

3. The county governing board makes a legislative finding that the early imposition of the tax is necessary to plan, construct, or acquire infrastructure required by s. 163.3177(6) in an economically feasible manner; or

4. The local government comprehensive plan of the county has been found to be in compliance by the Department of Community Affairs or there is a valid compliance agreement or a final order finding the plan



in compliance has been issued by the Administration Commission pursuant to chapter 163, part II.

(i) Nothing herein shall preclude local government from using the surtax to fund infrastructure needed to meet compliance in the comprehensive plan.

The vote was:

Yeas—15

Mr. President	Diaz-Balart	Malchon	Stuart
Bankhead	Jennings	Margolis	Thomas
Brown	Johnson	McPherson	Woodson-Howard
Davis	Kiser	Souto	

Nays—22

Beard	Dudley	Kirkpatrick	Thurman
Bruner	Forman	Langley	Walker
Childers, D.	Gardner	Meek	Weinstein
Childers, W. D.	Girardeau	Myers	Weinstock
Crenshaw	Grant	Plummer	
Deratany	Grizzle	Scott	

Vote after roll call:

Yea to Nay—Jennings

**Amendment 13 failed.**

Senators Meek and Girardeau offered the following amendment which was moved by Senator Meek and adopted:

**Amendment 15**—On page 275, between lines 27 and 28, insert:

Section 178. In implementing this act, the Department of Transportation and the Department of General Services shall institute procedures to encourage the awarding of contracts for commodities, construction, and contractual services to certified minority business enterprises approved pursuant to section 287.0943, Florida Statutes. The Department of Transportation and the Department of General Services shall develop and implement activities to encourage the participation of minority business enterprises in the contracting process and both departments shall report to the Legislature prior to January 1, 1991 on their individual efforts to increase minority business participation. Such efforts may include:

(1) Presolicitation or prebid meetings for the purpose of informing minority business enterprises of contracting opportunities.

(2) Written notice to minority business enterprises of contract opportunities for commodities or contractual and construction services which the minority business provides.

(3) Provision of adequate information to minority business enterprises about the plans, specifications, and requirements of contracts or the availability of jobs.

(4) Breaking large contracts into several single purpose contracts of a size which may be obtained by certified minority business enterprises.

Section 179. Paragraph (4)(b) of section 287.012, Florida Statutes, is amended to read:

287.012 Definitions.—The following definitions shall apply in this part:

(4)(a) "Contractual service" means the rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors, and such services may include, but are not limited to, evaluations; consultations; maintenance; accounting; security; management systems; management consulting; educational training programs; research and development studies or reports on the findings of consultants engaged thereunder; and professional, technical, and social services.

(b) Except for the purposes of section 287.042(4)(f), Florida Statutes, "contractual service" does not include:

1. Artistic services.
2. Academic program reviews or lectures by individuals.

3. Auditing services.

4. Legal services including paralegals, expert witnesses including appraisal services, and court reporters.

5. Health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration.

6. Services provided to persons with mental or physical disabilities by not-for-profit corporations which have obtained exemptions under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954 or when such services are governed by the provisions of Office of Management and Budget Circular A-122. However, in acquiring such services, the agency shall consider the ability of the contractor, past performances, willingness to meet time requirements, and price.

7. Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Department of Health and Rehabilitative Services shall be exempt from the provisions of this section. However, this exception shall be valid for a period not to exceed 90 days after the date of delivery of service to the Medicaid recipient and shall not be renewed by the department.

8. Family placement services.

9. Prevention services related to mental health, including drug abuse prevention programs, child abuse prevention programs, and shelters for runaways, operated by not-for-profit corporations. However, in acquiring such services, the agency shall consider the ability of the contractor, past performance, willingness to meet time requirements, and price.

(Renumber subsequent sections.)

Senators Kiser and Johnson offered the following amendment which was moved by Senator Kiser and adopted:

**Amendment 16**—In title, on page 7, strike all of lines 3 and 4 and insert: amending cross-references;

Senator Girardeau moved the following amendment which was adopted:

**Amendment 17**—In title, on page 15, line 5, after the semicolon, insert: providing for procedures to encourage awarding of contracts for commodities, construction, and contractual services to certified minority business enterprises; amending s. 287.012, F.S.; modifying the definition of the term "contractual service" with respect to the procurement of such services;

Senator Forman moved the following amendment which was adopted:

**Amendment 18**—In title, on page 15, line 5, after the semicolon insert: requiring the Florida Transportation Commission to study the responsibilities of Metropolitan Planning Organizations and to report its findings to the Legislature;

Senator Kiser moved the following amendment which was adopted:

**Amendment 19**—In title, on page 15, line 5, after the semicolon insert: amending s. 339.135, F.S.; providing that certain projects identified in the General Appropriations Act shall also be identified as a debit against described funds;

On motion by Senator Beard, by two-thirds vote CS for SB 12-D as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—25

Mr. President	Forman	Kiser	Scott
Bankhead	Girardeau	Langley	Thurman
Beard	Grant	Malchon	Weinstein
Brown	Grizzle	Margolis	Woodson-Howard
Crenshaw	Jennings	McPherson	
Davis	Johnson	Meek	
Dudley	Kirkpatrick	Myers	

Nays—12

Bruner	Deratany	Plummer	Thomas
Childers, D.	Diaz-Balart	Souto	Walker
Childers, W. D.	Gardner	Stuart	Weinstock

**Statement**

I am excused from today's session, but if I were present I would vote no on CS for SB 12-D.

*Jack D. Gordon, 35th District*

On motions by Senator Margolis, by two-thirds vote—

**SB 28-D**—A bill to be entitled An act making supplemental appropriations; providing moneys for the annual period beginning July 1, 1989 and ending June 30, 1990, to pay salaries, other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; supplementing or adjusting items appropriated by Chapter 89-253, Laws of Florida; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Forman	Kiser	Stuart
Bankhead	Gardner	Langley	Thomas
Beard	Girardeau	Malchon	Thurman
Brown	Grant	Margolis	Weinstein
Crenshaw	Grizzle	McPherson	Weinstock
Davis	Jennings	Meek	Woodson-Howard
Deratany	Johnson	Myers	
Dudley	Kirkpatrick	Scott	

Nays—7

Bruner	Childers, W. D.	Plummer	Walker
Childers, D.	Diaz-Balart	Souto	

On motions by Senator Beard, by two-thirds vote HB 52-D was withdrawn from the Committees on Transportation and Appropriations.

On motion by Senator Beard, by unanimous consent—

**HB 52-D**—A bill to be entitled An act relating to the transportation needs of Florida; creating s. 338.001, F.S.; creating the Florida Intrastate Highway System Plan; amending s. 334.03, F.S.; redefining the term "controlled access facility," "limited access facility," and "State Highway System"; defining the term "Florida Intrastate Highway System"; amending s. 334.046, F.S.; including the development and implementation of the Florida Intrastate Highway System within the program objectives of the Department of Transportation; amending ss. 288.063 and 479.01, F.S.; correcting cross references; amending s. 338.221, F.S.; redefining the terms "turnpike system," "turnpike improvement," "economically feasible," and "turnpike project"; defining the term "verification of environmental feasibility"; amending s. 338.222, F.S.; prohibiting governmental entities, other than the department, from operating turnpike projects; amending s. 338.223, F.S.; revising language with respect to proposed turnpike projects; providing for legislative approval at a certain point; amending s. 338.227, F.S.; providing reference to legislative approval with respect to turnpike revenue bonds; encouraging minority business participation; providing a limitation on the use of revenues and bond proceeds by the Department of Transportation with respect to the Florida Turnpike Law; creating s. 338.2275, F.S.; providing for approved turnpike projects; providing a list of approved projects; providing for economic feasibility; amending s. 348.243, F.S.; providing an additional power of the Broward County Expressway Authority; amending s. 338.228, F.S.; revising language with respect to certain bonds not being considered debts or pledges of credit by the state; amending s. 338.231, F.S.; revising language with respect to turnpike tolls; amending s. 338.251, F.S.; revising language with respect to the fund; prohibiting advancements under certain circumstances; providing for the deposit of certain funds into the Toll Facilities Revolving Trust Fund; renaming chapter 338, F.S., as Florida Intrastate Highway System and Toll Facilities; creating s. 337.276, F.S.; providing requirements with respect to the Department of Transportation in regard to advanced acquisition of right-of-way; amending s. 339.135, F.S.; providing for identification of advanced right-of-way acquisition projects and right-of-way phases in the tentative work program; requiring additional information in the report submitted by the department with the tentative work program; amending s. 339.155, F.S.; providing for the identification and acquisition of right-of-way in the development of the statewide transportation plan; amending s. 339.12, F.S.; revising language with respect to aid and contributions by governmental

entities for rights-of-way, construction, or maintenance of roads and bridges in the State Highway System; amending s. 335.20, F.S.; revising the Local Government Transportation Assistance Act with respect to project funding by the Department of Transportation; creating s. 334.048, F.S.; providing legislative intent with respect to department management accountability and monitoring systems; amending s. 20.23, F.S.; providing additional duties of the secretary; deleting a responsibility of the Florida Transportation Commission; revising language with respect to the central office; providing for additional duties for the central office; providing for additional duties of the Assistant Secretary for Finance and Administration; providing for a chief internal auditor; providing additional responsibilities of each district secretary; revising language with respect to certain contracts; amending s. 337.221, F.S.; providing for a claims settlement process; creating s. 337.162, F.S.; providing requirements with respect to standard services; amending s. 339.149, F.S.; providing for periodic audits by the Auditor General; amending s. 120.53, F.S.; revising language with respect to agencies providing notice of decision under the Administrative Procedure Act; encouraging the participation of minority business enterprises; amending s. 287.012; providing an exception to the definition of contractual services; amending s. 337.11, F.S.; requiring the department to take certain steps prior to advertisement of work for bid; revising language with respect to the contracting authority of the Department of Transportation; amending s. 337.16, F.S.; revising language with respect to bid disqualification; amending s. 337.175, F.S.; revising language with respect to retainage; creating ss. 348.116-348.127, F.S.; creating the "Florida Expressway Authority Act"; providing definitions; providing for the formation and membership of the authority; providing purpose and powers; providing for bonds; providing for lease-purchase agreements; authorizing the Division of Bond Finance to appoint the Department of Transportation as agent for construction; providing for acquisition of lands and property; providing for cooperation; providing the covenant of the state; providing for exemption from taxation; providing for applicability; amending s. 73.091, F.S.; conforming a cross reference to other changes made by the act; creating s. 73.032, F.S.; providing for offer of judgment in eminent domain actions; providing for acceptance, rejection, and withdrawal of the offer of judgment; requiring the person making the offer to make certain construction plans available; amending s. 73.092, F.S.; revising procedures for award of attorney's fees in eminent domain proceedings; requiring that the greatest weight be given to benefits resulting to the client; providing for reduction of attorney's fees to be paid pursuant to a fee agreement in specified circumstances; providing circumstances for limiting attorney's fees after rejection of an offer of judgment; amending s. 337.271, F.S.; specifying contents of the invoice for costs in Department of Transportation negotiations for land acquisition; providing for nonbinding mediation of compensation and business damage claims; providing that certain statements used in mediation are not admissible in subsequent proceedings; specifying applicability; creating s. 338.250, F.S.; providing for Central Florida Beltway mitigation; amending s. 20.23, F.S.; changing the title of the Assistant Secretary for Planning and Engineering to the Assistant Secretary for Planning, Engineering, and Public Transportation; providing for appointment by the Secretary of Transportation of a State Public Transportation Administrator; providing that the State Public Transportation Administrator report to the Assistant Secretary for Planning, Engineering, and Public Transportation; amending s. 119.07, F.S.; correcting a reference; amending s. 206.46, F.S.; appropriating funds from the State Transportation Trust Fund; amending s. 212.055, F.S.; specifying the uses of the Charter County Transit discretionary sales surtax; creating s. 311.07, F.S.; creating the Florida Seaport Transportation and Economic Development Program; creating s. 311.09, F.S.; creating the Florida Seaport Transportation and Economic Development Council; providing powers and duties; amending s. 332.004, F.S.; providing definitions; amending s. 332.006, F.S.; providing for separate identification of development projects and discretionary capacity improvement projects in the statewide aviation system plan; permitting expenditure of funds on road and rail transportation systems which are on airport property; amending s. 332.007, F.S.; providing for consistency of airport master plans with local government comprehensive plans prior to receipt of funds; requiring consistency of aviation projects with airport master plans as a condition for state funding eligibility; providing funding priority for specified airport development projects; authorizing expenditure of funds for projects which provide for construction of an automatic weather observation station; authorizing retroactive reimbursement for the nonfederal share of certain land acquisition projects; authorizing participation by the Department of Transportation in the capital cost of eligible public airport and aviation discretionary capacity improvement projects; authorizing expenditure of funds for projects which provide improved airport access subject to

approval by the sponsor; limiting the amount of discretionary capacity improvement project funds that a single airport may receive; allowing the department to transfer funds for discretionary capacity improvement projects within the discretionary capacity improvements program; setting the rate of participation by the department in the costs of eligible discretionary capacity improvement projects, including land acquisition projects; amending s. 332.01, F.S.; revising the definition of "airport" to include access to airport facilities; amending s. 332.11, F.S.; allowing sponsors to establish a joint agreement to acquire and construct equipment, appurtenances, and land necessary to establish, maintain, and operate a transportation corridor connecting an airport and seaport facility; providing that such corridor shall not be considered an aviation or port project for purposes of state funding; amending s. 333.01, F.S.; providing definitions; amending s. 333.02, F.S.; providing for regulation of land uses in the vicinity of airports; amending s. 333.03, F.S.; providing for adoption of zoning regulations for runway clear zones and airport land use compatibility; creating s. 333.031, F.S.; creating the Airport Safety and Land Use Compatibility Study Commission; providing for a report; amending s. 333.05, F.S.; providing for adoption of zoning regulations in runway clear zones; amending s. 333.06, F.S.; providing for zoning requirements; amending s. 333.07, F.S.; providing for variance requirements; creating the Urban Transportation Research Trust Fund; providing that the fund be administered by the Board of Regents; providing that moneys for such fund be from the State Transportation Trust Fund and other sources as determined by the Legislature; providing for distribution of funds in the trust fund by the Board of Regents to the Center for Urban Transportation Research; providing for promulgation of rules by the Board of Regents to administer the trust fund; amending s. 334.065, F.S.; authorizing the Center for Urban Transportation Research to expend moneys from the Urban Transportation Research Trust Fund; amending s. 337.242, F.S.; providing that movement of people and goods to and from seaports and airports is a transportation use; amending s. 337.25, F.S.; providing for lease of rail corridors to ports; amending s. 339.08, F.S.; providing an additional use for funds in the State Transportation Trust Fund; amending s. 339.135, F.S.; providing for allocation of public transit block grant funds; amending s. 339.155, F.S.; requiring the statewide transportation plan to take into account certain port master plans; amending s. 339.175, F.S.; revising language with respect to transportation planning organizations; revising membership of metropolitan planning organizations; amending s. 341.031, F.S.; revising definitions for purposes of the Florida Public Transit Act; amending s. 341.041, F.S.; requiring the Department of Transportation to develop and administer state measures concerning public transit systems and including productivity and cost distribution in such measures; revising the measures for certain responsibilities of the department relating to operation of transit systems; amending s. 341.051, F.S.; requiring the department to develop and implement a capital investment policy; creating s. 341.052, F.S.; establishing a public transit block grant program; providing uses for which block grant funds may be expended; providing limitations on use of funds; allocating 5 percent of the public transit block grant funds to the Transportation Disadvantaged Trust Fund; providing limitations on use of funds; requiring study on transportation disadvantaged funding needs; creating s. 341.053, F.S.; creating an intermodal development program; requiring the department to administer the program; providing priorities for funding; creating s. 341.071, F.S.; requiring the establishment of transit development plans consistent with approved local comprehensive plans; requiring eligible public transit providers to establish productivity and performance measures; requiring certain reports and publication with respect thereto; amending s. 341.102, F.S.; prohibiting restrictions on nonpublic-sector buses engaged primarily in intercounty transportation; creating part III of chapter 343, F.S.; creating the "Tampa Bay Commuter Rail Authority Act"; providing definitions; creating the Tampa Bay Commuter Rail Authority; providing for membership; establishing terms of members; providing for filling vacancies; providing powers and duties of the authority; providing for interagency cooperation and contracts; requiring authority to comply with equal opportunity hiring practices; providing for public and private funding; authorizing issuance of revenue bonds; directing that bonds are not debts or pledges of credit of the state; requiring the authority to develop an annual operating plan; providing for annual review of plan; providing for pledge to bondholders; amending s. 341.325, F.S.; providing for feasibility and planning studies for high speed rail facilities and for most promising corridors; amending ss. 212.05 and 212.62, F.S.; increasing the rate of the tax on the sale of fuels; revising requirements for calculating the annual adjustment thereof; providing for determination of a minimum tax; creating s. 212.68, F.S.; providing for the levy of a tax on motor fuel and a tax on special fuel and providing for the rates thereof; providing for applica-

tion of refunds; amending s. 206.055, F.S., relating to penalty for failure to pay tax, to include said taxes; repealing s. 336.026, F.S., which authorizes the levy of a local option gas tax on motor fuel and special fuel for metropolitan transportation systems; amending s. 206.87, F.S.; providing for a tax on special fuel used or sold in each county; providing for determination of the tax rate; providing for collection, distribution, and use of the proceeds; amending ss. 206.47 and 206.91, F.S.; revising provisions relating to calculation of a consumption factor and application of a dealer's credit; amending s. 336.021, F.S., which authorizes the imposition of a voted gas tax; limiting the application of such tax to motor fuel; amending s. 336.025, F.S., which authorizes the imposition of a local option gas tax for county transportation systems; limiting the application of such tax to motor fuel; amending ss. 207.003, 207.005, and 207.026, F.S.; revising the rate and allocation of the tax on the privilege of operating a commercial motor vehicle; amending ss. 163.805, 163.806, 163.807, and 163.808, F.S., relating to the Metropolitan Transportation Authority Act; deleting the authority of participating entities to levy the local option fuel tax for metropolitan transportation systems; amending ss. 206.404 and 212.67, F.S.; correcting references; amending s. 206.9825, F.S.; increasing the excise tax on aviation fuel and the minimum tax rate applicable to certain air carriers; providing for annual adjustment of such rates; amending s. 212.0606, F.S.; increasing the surcharge on rental of motor vehicles; specifying that the surcharge is subject to all applicable taxes under chapter 212; revising the distribution of the proceeds thereof; amending s. 319.32, F.S.; increasing certain motor vehicle title certificate fees and providing for disposition thereof; revising provisions relating to annual decal fees for vehicles fueled by alternative fuels and the disposition thereof; amending s. 320.14, F.S.; revising provisions which authorize fractional license taxes under certain conditions; amending s. 336.045, F.S.; revising language with respect to uniform minimum standards and criteria for certain roads to include an environmental design component; providing for levy of the tax imposed by s. 212.68, F.S., on certain existing fuel inventory; amending s. 163.3177, F.S.; requiring units of local government of a specified population to include in their comprehensive plans certain elements which are optional for other local governments; requiring such units of local government to address a transportation system element, and authorizing other local governments to address such element; specifying content of the mass transit and parking elements; amending s. 163.3174, F.S.; providing procedures for preparation and adoption of comprehensive plan amendments; amending s. 163.3184, F.S.; providing additional entities to receive a copy of a comprehensive plan, plan amendment, or comment thereon; providing for assistance to the Department of Transportation in providing comments on local comprehensive plans; extending time periods for adoption of local plans; providing for transmittal of copies of adopted plans; specifying penalties for failure to timely adopt a plan; extending the time for review of adopted plans; providing for review of adopted plans by the regional planning council; specifying criteria for determination of compliance; providing for notice of intent to find local action in compliance or not in compliance; amending s. 163.3202, F.S.; changing the date by which counties and municipalities must adopt land development regulations; requiring such regulations to contain specified additional provisions; providing that the change in the date for adoption of such regulations applies retroactively; providing for a study on allocations of roads between state and local government; providing for reports; amending ss. 403.718 and 403.7185, F.S., exempting waste tire and lead battery fees from sales tax; providing effective dates.

—was taken up instanter. On motion by Senator Beard, by two-thirds vote HB 52-D was read the second time by title.

Senator Beard moved the following amendments which were adopted:

**Amendment 1**—Strike everything after the enacting clause and insert:

Section 1. Paragraph (1) of subsection (3) of section 119.07, Florida Statutes, 1988 Supplement, as amended by section 1 of chapter 89-29, section 7 of chapter 89-55, section 1 of chapter 89-80, section 1 of chapter 89-275, section 2 of chapter 89-283, section 2 of chapter 89-350, and section 1 of chapter 89-531, Laws of Florida, is amended to read:

119.07 Inspection and examination of records; exemptions.—

(3)

(1) Any information provided to an agency of state government or to an agency of a political subdivision of the state for the purpose of forming ridesharing arrangements, which information reveals the identity of an individual who has provided his name for ridesharing arrangements as defined in s. 341.031(9)(4), is exempt from the provisions of subsection (1).

Section 2. Subsection (4) of section 332.004, Florida Statutes, is amended, present subsections (5) through (14) are renumbered as subsections (6) through (15), respectively, and a new subsection (5) is added to said section to read:

332.004 Definitions of terms used in ss. 332.003-332.007.—As used in ss. 332.003-332.007, the term:

(4) "Airport or aviation development project" means any activity associated with the design, construction, improvement, or repair of a public-use airport or portion thereof, including, but not limited to: the removal, lowering, relocation, marking, and lighting of airport hazards; the installation of navigation aids used by aircraft in landing at or taking off from a public airport; ~~and the installation of safety equipment required by rule or regulation for certification of the airport under s. 612 of the Federal Aviation Act of 1958, and amendments thereto; and the improvement of access to the airport by road or rail systems.~~

(5) "Airport or aviation discretionary capacity improvement projects" means capacity improvements which enhance capacity at any airport.

Section 3. Subsections (1) and (9) of section 332.006, Florida Statutes, are amended and subsection (10) is added to said section to read:

332.006 Duties and responsibilities of the Department of Transportation.—The Department of Transportation shall, within the resources provided pursuant to chapter 216:

(1) Provide coordination and assistance for the development of a viable aviation system in this state. As part of such system, a statewide aviation system plan shall be developed which identifies airport and aviation needs within the state. The statewide plan shall consist primarily of the airport master plans of local airports and may include plans adopted by local and regional planning agencies. *The plan shall separately identify development projects and discretionary capacity improvement projects.*

(9) Support the development of land located within the boundaries of airports for the purpose of industrial or other uses compatible with airport operations with the objective of assisting airports in this state to become fiscally self-supporting. Such assistance may include providing state moneys on a matching basis to airport sponsors for capital improvements, including, but not limited to, fixed-base operation facilities, parking areas, ~~and industrial park utility systems, and road and rail transportation systems that improve direct airport access.~~

(10) *The department shall establish, jointly with representatives of airport sponsors, reporting requirements relating to airport activity and financial resources, documentation of the federal aviation grant process, and documentation of local and regional planning activities. The department shall issue final approval of all reporting requirements established in this subsection. The department and airport sponsors that receive state aviation funds shall jointly maintain a unified statewide computerized data base to collect and manage such required reports. The department shall establish reporting procedures by rule.*

Section 4. Section 332.007, Florida Statutes, 1988 Supplement, as amended by section 10 of chapter 89-301, Laws of Florida, is amended to read:

332.007 Administration and financing of aviation and airport development programs and projects; state plan.—

(1) Federal funding of individual local airport projects shall continue to be wholly between the local airport sponsors and the appropriate federal agencies; however, the Department of Transportation is authorized to receive federal grants for statewide projects when no local sponsor is available.

(2)(a) The Department of Transportation shall prepare and continuously update a 5-year aviation and airport development plan based on a collection of the local sponsors' proposed projects, which plan shall be included in the work program of the department. Any planned department participation shall be in accordance with subsections (7) and (8) ~~subsection (5).~~ *The plan shall separately identify development projects and discretionary capacity improvement projects.*

~~(b) The department shall provide priority funding in support of the planning, design, and construction of proposed projects by local sponsors, with special emphasis on projects for runways, taxiways, lighting, and other related airside activities.~~

~~(b)(e) The aviation and airport development plan shall be consistent with the statewide aviation system plan and local plans. Projects involving funds administered by the department to be undertaken and implemented by the airport sponsor shall be included in the 5-year aviation and airport development plan.~~

(3) *Sponsors shall be eligible for funds under this section only upon compliance with reporting requirements of s. 332.006(10).*

(4) *Where there is an approved local government comprehensive plan in the political subdivision or political subdivisions in which the airport is located, assistance pursuant to this section shall only be provided to sponsors which establish airport master plans consistent with approved local government comprehensive plans.*

~~(5)(3)(a) Funds for aviation and airport development projects funds~~ shall be requested on the basis of the funding required for development projects in the aviation and airport development plan. *The department shall provide priority funding in support of the planning, design, and construction of proposed projects by local sponsors, with special emphasis on projects for runways and taxiways, including the painting and marking of runways and taxiways, lighting, other related airside activities, terminal projects that increase gate capacity and airport capability, and*

~~(b) Only those airport access transportation facility projects which are necessary to provide improved direct access a direct connection to a public-use airport.~~

~~(b) Projects which provide for construction of an automatic weather observation station from the nearest practicable transportation facility~~ are eligible for the use of funds provided for herein.

(c) No single airport shall secure project funds in excess of 25 percent of the total project funds available in any given budget year.

(d) Unless prohibited by the appropriations act or general legislation, the department may transfer funds for airport and aviation development projects funds within each category of its airport and aviation program programs to maximize the aviation services and federal aid available to this state.

~~(6)(4) Only those projects or programs Any project or program~~ provided for in this act that will contribute to the implementation of the state aviation system plan ~~and are consistent with and will contribute, or to the implementation of any airport master plan or layout plan are,~~ is eligible for the expenditure of state funds in accordance with fund participation rates and priorities established herein.

(7)(5) Subject to the availability of appropriated funds, the department may participate in the capital cost of eligible public airport and aviation development projects in accordance with the following rates, unless otherwise provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act:

(a) The department may fund up to 50 percent of the ~~portion nonfederal share of eligible project the costs which are not funded by the Federal Government, of any eligible project. The participation by the department in any federally assisted eligible project may not exceed 12.5 percent of the total project cost, except that such participation may be up to 25 percent of the total project cost for a capital project in a non-revenue-producing portion of a terminal facility when federal participation is limited to 50 percent, and except that the department may initially fund up to 75 percent of the cost of land acquisition for a new airport or for the expansion of an existing airport which is owned and operated by a municipality, a county, or an authority, and shall be reimbursed to the normal project share when federal funds become available or within 10 years after the date of acquisition, whichever is earlier.~~

~~(b) The department may retroactively reimburse municipalities, counties, or airport authorities up to 50 percent of the nonfederal share for land acquisition, when such land is needed for airport safety, expansion, tall structure control, clear zone protection, or noise impact reduction. Land purchased prior to January 1, 1990, is not eligible for reimbursement.~~

~~(c)(b) When federal funds are not available, the department is authorized to fund up to 90 percent of master planning and capital projects at any publicly owned, publicly operated Florida resource airport identified by the statewide aviation system plan as a facility needed to meet future state aviation system demands. Such funding is limited to~~

airports that have no scheduled commercial services; that are owned by a city, county, or airport authority that does not have an airport with scheduled commercial service; and that have not received a federal capital grant in the last 4 years.

(d)(e) The department is authorized to fund up to 100 percent of the cost of an eligible project that is statewide in scope or that involves more than one county where no other governmental entity or appropriate jurisdiction exists.

(8)(a) Subject to the availability of appropriated funds in addition to aviation fuel tax revenues, the department may participate in the capital cost of eligible public airport and aviation discretionary capacity improvement projects. Discretionary capacity improvement funds shall be requested on the basis of funding required for discretionary capacity improvement projects in the aviation and airport plan. The department shall provide priority funding in support of:

1. Airport access transportation facility projects that improve direct airport access.

2. Terminal projects that increase gate capacity and airport capability.

3. Land acquisition which provides additional capacity at the qualifying airports or their supplemental air carrier airports.

4. Runway and taxiway projects that add capacity or are necessary to accommodate technological change in the aviation industry.

(b) A single airport may not secure project funds in excess of 50 percent of the total discretionary capacity improvement project funds available in any given budget year.

(c) Unless prohibited by the General Appropriations Act or other general law, the department may transfer funds within each category of the airport and aviation discretionary capacity improvement program to maximize the aviation services and federal aid available to this state.

(d) The department may fund up to 50 percent of the portion of eligible project costs which are not funded by the Federal Government, except that the department may initially fund up to 75 percent of the cost of land acquisition for a new airport or for the expansion of an existing airport which is owned and operated by a municipality, a county, or an authority, and shall be reimbursed to the normal project share when federal funds become available or within 10 years after the date of acquisition, whichever is earlier.

Section 5. Subsection (3) of section 332.01, Florida Statutes, is amended to read:

332.01 Airports and air navigation; definitions.—The following words, terms, and phrases shall in ss. 332.01-332.12 have the meanings herein given, unless otherwise specifically defined, or unless another intention clearly appears, or the context otherwise requires:

(3) "Airport" means any area, of land or water, except a restricted landing area, which is designed for the landing and takeoff of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving and discharging passengers or cargo, and all appurtenant areas used or suitable for access to airport facilities, airport buildings, or other airport facilities, and all appurtenant rights-of-way, whether heretofore or hereafter established.

Section 6. Present subsections (5), (6), (7), (8), (9), and (10) of section 333.01, Florida Statutes, 1988 Supplement, are renumbered as subsections (6), (7), (8), (9), (11), and (12), respectively, and new subsections (5) and (10) are added to said section to read:

333.01 Definitions.—For the purpose of this chapter, the following words, terms, and phrases shall have the meanings herein given, unless otherwise specifically defined, or unless another intention clearly appears, or the context otherwise requires:

(5) "Airport land use compatibility zoning" means airport zoning regulations restricting the use of land adjacent to or in the immediate vicinity of airports, in the manner enumerated in s. 333.03(2), to activities and purposes compatible with the continuation of normal airport operations, including landing and takeoff of aircraft, in order to promote the public health, safety, and welfare.

(10) "Runway clear zone" means a runway clear zone as defined in 14 C.F.R. Part 151.9(b).

Section 7. Section 333.02, Florida Statutes, 1988 Supplement, is amended to read:

333.02 Airport hazards, and uses of land in airport vicinities, contrary to public interest.—

(1) It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity and also, if of the obstruction type, in effect reduces the size of the area available for the taking off, maneuvering, or landing of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein. It is further found that certain activities and uses of land in the immediate vicinity of airports as enumerated in s. 333.03(2) are not compatible with normal airport operations, and may, if not regulated, also endanger the lives of the participants, adversely affect their health, or otherwise limit the accomplishment of normal activities. Accordingly, it is hereby declared:

(a) That the creation or establishment of an airport hazard or the incompatible use of land in the vicinity of an airport is a public nuisance and an injury to the community served by the airport in question;

(b) That it is therefore necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards and incompatible land uses be prevented; and

(c) That this should be accomplished, to the extent legally possible, by the exercise of the police power, without compensation.

(2) It is further declared that both the prevention of the creation or establishment of airport hazards, the limitation of land uses incompatible with normal airport operations, and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interests therein, or air rights thereover.

Section 8. Section 333.03, Florida Statutes, 1988 Supplement, is amended to read:

333.03 Power to adopt airport zoning regulations.—

(1)(a) In order to prevent the creation or establishment of airport hazards, every political subdivision having an airport hazard area within its territorial limits shall, ~~by October 1, 1977,~~ adopt, administer, and enforce, under the police power and in the manner and upon the conditions hereinafter prescribed, airport zoning regulations for such airport hazard area.

(b)(2) Where an airport is owned or controlled by a political subdivision and any airport hazard area appertaining to such airport is located wholly or partly outside the territorial limits of said political subdivision, the political subdivision owning or controlling the airport and the political subdivision within which the airport hazard area is located, shall either:

1.(a) By interlocal agreement, in accordance with the provisions of chapter 163, adopt, administer, and enforce airport zoning regulations applicable to the airport hazard area in question; or

2.(b) By ordinance or resolution duly adopted, create a joint airport zoning board, which board shall have the same power to adopt, administer, and enforce airport zoning regulations applicable to the airport hazard area in question as that vested in paragraph (a) ~~subsection (1)~~ in the political subdivision within which such area is located. Each such joint board shall have as members two representatives appointed by each political subdivision participating in its creation and in addition a chairman elected by a majority of the members so appointed. However, the airport manager or managers of the affected political subdivisions shall serve on the board in a nonvoting capacity.

(c)(3) Airport zoning regulations adopted under paragraph (a) ~~subsections (1) and (2)~~ shall, as a minimum, require:

1. A variance for the erection, alteration, or modification of any structure which would cause the structure to exceed the federal obstruction standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29. ~~Such regulations shall also require~~



2. Obstruction marking and lighting for structures as specified in s. 333.07(3).

~~(4) The procedures outlined herein for the adoption of such regulations are supplemental to any existing procedures utilized by political subdivisions in the adoption of such regulations.~~

~~(5) The Department of Transportation shall provide technical assistance to any political subdivision requesting assistance in the preparation of an airport zoning code. A copy of all local airport zoning codes, rules, and regulations, and amendments and proposed and granted variances thereto, shall be filed with the department.~~

(d)(6) The department shall issue copies of the federal obstruction standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29 to each political subdivision having airport hazard areas and, in cooperation with political subdivisions, shall issue appropriate airport zoning maps depicting within each county the maximum allowable height of any structure or tree. Material distributed pursuant to this paragraph subsection shall be at no cost to authorized recipients.

(e) *The procedures outlined in this subsection for the adoption of such regulations are supplemental to any existing procedures used by political subdivisions in the adoption of such regulations.*

(2) Pursuant to subsection (1), interim airport land use compatibility zoning regulations must be adopted, except when political subdivisions have adopted adequate land use compatibility zoning in compliance with chapter 163. Interim airport land use compatibility zoning regulations must consider the following:

(a) Whether sanitary landfills are located:

1. Within 10,000 feet from the nearest point of any runway used or planned to be used by turbojet or turboprop aircraft.

2. Within 5,000 feet from the nearest point of any runway used only by piston-type aircraft.

3. Outside the perimeters defined in subparagraphs 1. and 2., but still within the lateral limits of the civil airport imaginary surfaces defined in 14 C.F.R., Part 77.25.

(b) Whether any landfill is located so that it places the runways or approach and departure patterns of an airport between bird feeding or roosting areas or bodies of water. The political subdivision shall request from the airport authority or other governing body operating the airport a report on such bird feeding or roosting areas that at the time of the request are known to the airport authority or other governing body. The airport authority or other governing body shall respond to the political subdivision within 30 days after such request.

(c) If an airport authority or other governing body that operates a publicly owned, public-use airport has conducted a noise study, residential construction may not be permitted within the area contiguous to the airport defined by an outer contour which approximates a noise level of 65 ldn or an equivalent noise level as established by other types of noise studies.

(d) If an airport authority or other governing body that operates a publicly owned, public-use airport has not conducted a noise study, residential construction may not be permitted within an area contiguous to the airport measuring one-half the length of the longest runway on either side of each runway centerline.

(3) Pursuant to subsection (1), airport zoning regulations must be adopted which restrict new incompatible uses, activities, or construction within runway clear zones, including uses, activities, or construction which is incompatible with normal airport operations and that endangers the public health, safety, and welfare, including, but not limited to, uses, activities, or construction causing congregations of people, emissions of light or smoke, or attraction of birds.

(4) The department shall provide technical assistance to any political subdivision that requests assistance in the preparation of an airport zoning code. A copy of all local airport zoning codes, rules, and regulations, and amendments and proposed and granted variances thereto, must be filed with the department.

Section 9. Airport Safety and Land Use Compatibility Study Commission.—

(1) There is hereby created the Airport Safety and Land Use Compatibility Study Commission. The commission shall consist of nine members: one member appointed by the President of the Senate; one member appointed by the Speaker of the House of Representatives; the Secretary of the Department of Transportation or his designee; the Secretary of the Department of Community Affairs or his designee; the Secretary of the Department of Environmental Regulation or his designee; one elected official of a municipality appointed by the Florida League of Cities or his designee; one elected official of a county government appointed by the Florida Association of Counties or his designee; and two airport managers appointed by the Florida Airport Managers Association.

(2) The chairman of the commission shall be elected from among the commission members. The commission is assigned to the Department of Transportation for administrative purposes only. The department shall provide staff and technical assistance to the commission. The commission shall meet as soon as possible after March 1, 1990, and may elect a vice chairman and such other officers as may be deemed necessary by the commission.

(3) Commission members shall serve without compensation but shall be entitled to be reimbursed for all necessary expenses incurred in the performance of their duties, including travel, in accordance with section 112.061, Florida Statutes.

(4) The commission shall hold at least three regular meetings and shall conduct at least three public meetings during the year to consider the impact of land use around publicly owned, public-use airports on the safety and capacity of such airports and the health, safety, and welfare of persons located in the vicinity of such airports; to assess the effectiveness of local comprehensive plans and land use regulations submitted pursuant to chapter 163, Florida Statutes, in preserving the safety and capacity of publicly owned, public-use airports and in preserving the health, safety, and welfare of persons located in the vicinity of such airports; and to determine the role the state should assume in regulating land use around publicly owned, public-use airports. The commission may hear testimony from experts in the field of aviation and land use planning and from officials representing the Federal Government and other state and local agencies.

(5) No later than March 1, 1991, the commission shall submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall include, at a minimum, an assessment of United States Federal Aviation Administration findings relating to the impact of lands used around publicly owned, public-use airports on the safety and capacity of such airports and on persons working and living around the airports; an evaluation of the effectiveness of adopted local comprehensive plans and land use regulations submitted pursuant to chapter 163, Florida Statutes, in preserving the safety and capacity of such airports; recommendations to improve the local comprehensive planning process or other measures necessary to ensure that land use planning around publicly owned, public-use airports preserves the safety and capacity of such airports and protects persons living and working in the vicinity of the airports; and the role the state should assume in regulating land use around publicly owned, public-use airports.

(6) There is hereby appropriated from the State Transportation Trust Fund \$20,000 for the purpose of funding the Airport Safety and Land Use Compatibility Study Commission.

Section 10. Section 333.05, Florida Statutes, is amended to read:

333.05 Procedure for adoption of zoning regulations.—

(1) NOTICE AND HEARING.—No airport zoning regulations shall be adopted, amended, or changed under this chapter except by action of the legislative body of the political subdivision in question, or the joint board provided in s. 333.03(2) by the bodies therein provided and set forth, after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days' notice of hearing shall be published in an official paper, or a paper of general circulation, in the political subdivision or subdivisions in which are located the airport areas ~~hazard area~~ to be zoned.

(2) AIRPORT ZONING COMMISSION.—Prior to the initial zoning of any airport ~~hazard~~ area under this chapter the political subdivision or joint airport zoning board which is to adopt the regulations shall appoint a commission, to be known as the airport zoning commission, to recommend the boundaries of the various zones to be established and the regu-

lations to be adopted therefor. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the legislative body of the political subdivision or the joint airport zoning board shall not hold its public hearings or take any action until it has received the final report of such commission, and at least 15 days shall elapse between the receipt of the final report of the commission and the hearing to be held by the latter board. Where a city plan commission or comprehensive zoning commission already exists, it may be appointed as the airport zoning commission.

Section 11. Section 333.06, Florida Statutes, is amended to read:

333.06 Airport zoning requirements.—

(1) **REASONABLENESS.**—All airport zoning regulations adopted under this chapter shall be reasonable and none shall impose any requirement or restriction which is not reasonably necessary to effectuate the purposes of this chapter. In determining what regulations it may adopt, each political subdivision and joint airport zoning board shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area and runway clear zones, the character of the neighborhood, and the uses to which the property to be zoned is put and adaptable, and the impact of any new use, activity, or construction on the airport's operating capability and capacity.

(2) **INDEPENDENT JUSTIFICATION.**—*The purpose of all airport zoning regulations adopted under this chapter is to provide both airspace protection and land use that are compatible with airport operations. Each aspect of this purpose requires independent justification in order to promote the public health, safety, and welfare. Specifically, the fact that construction in a runway clear zone does not exceed airspace height restrictions is not evidence per se that such construction is compatible with airport operations.*

(3)(2) **NONCONFORMING USES.**—No airport zoning regulations adopted under this chapter shall require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any nonconforming use, except as provided in s. 333.07(1) and (3).

Section 12. Paragraph (a) of subsection (2) of section 333.07, Florida Statutes, 1988 Supplement, is amended to read:

333.07 Permits and variances.—

(2) **VARIANCES.**—

(a) Any person desiring to erect any structure, increase the height of any structure, permit the growth of any tree, or otherwise use his property in violation of the airport zoning regulations adopted under this chapter or in violation of any land use ordinance adopted pursuant to chapter 163 pertaining to airport land use compatibility, may apply to the board of adjustment for a variance from the zoning regulations in question. At the time of filing the application, the applicant shall forward to the department by certified mail, return receipt requested, a copy of the application. The department shall have 45 days from receipt of the application to comment and to provide its comments or waiver of that right to the applicant and the board of adjustment. The department shall include its explanation for any objections stated in its comments. If the department fails to provide its comments within 45 days of receipt of the application, its right to comment is waived. The board of adjustment may proceed with its consideration of the application only upon the receipt of the department's comments or waiver of that right as demonstrated by the filing of a copy of the return receipt with the board. Noncompliance with this section shall be grounds to appeal pursuant to s. 333.08 and to apply for judicial relief pursuant to s. 333.11. Such variances may only be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and where the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of the regulations and this chapter. However, any variance may be allowed subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of this chapter.

Section 13. Section 332.115, Florida Statutes, is created to read:

332.115 Transportation corridors connecting ports and airports.—

(1) Any eligible agency may acquire, construct, and operate all equipment, appurtenances, and land necessary to establish, maintain, and

operate, or to license others to establish, maintain, use, or operate, a transportation corridor connecting an airport operated by such eligible agency with a seaport facility, which corridor must be acquired, constructed, and used for the primary purpose of transporting persons and cargo between the airport and seaport facility and for the location and operation of lines for the transmission of water or electricity or the transportation of products; however, any such corridor must be established and operated pursuant to a joint project agreement between an eligible agency as defined in this chapter and a port district as defined in s. 315.02, and such agreement must be approved by the Department of Transportation. In reviewing the joint project agreement, the department must determine whether the proposed corridor is consistent with the Florida Transportation Plan and the State Comprehensive Plan, and the department must review the public purpose and necessity of the corridor pursuant to s. 337.273(5).

(2) A transportation corridor established pursuant to this section shall not be considered an aviation project for purposes of state funding, but shall be considered an aviation project for all other purposes.

Section 14. Subsection (4) of section 337.242, Florida Statutes, 1988 Supplement, is amended to read:

337.242 Acquisition of rail corridors.—

(4) The department shall, as part of the rail planning responsibilities under s. 341.302(3), identify and evaluate the potential for transportation uses for both operating rail corridors and corridors in which service has been discontinued. If the corridors evaluated have a transportation use potential, the department may purchase, manage, and maintain the corridor subject to appropriation by the Legislature. *The movement of people and goods to and from Florida ports shall be considered a transportation use.* All rail transportation corridors in which service has been discontinued or in which service is scheduled for discontinuance shall be reported by the department to the Department of Natural Resources as specified in s. 260.0161.

Section 15. Paragraph (h) is added to subsection (5) of section 337.25, Florida Statutes, 1988 Supplement, as amended by section 5 of chapter 89-232, Laws of Florida, to read:

337.25 Acquisition, lease, and disposal of real and personal property.—

(5) The department may convey a leasehold interest for commercial or other purposes, in the name of the state, to any land, building, or other property, real or personal, which was acquired under the provisions of subsection (1).

(h) *The department may enter into a long-term lease without compensation with a public port listed in s. 403.021(9)(b) for rail corridors used for the operation of a short-line railroad to the port.*

Section 16. Chapter 311, Florida Statutes, consisting of sections 311.07 and 311.09, Florida Statutes, is created to read:

311.07 Florida Seaport Transportation and Economic Development Trust Fund.—

(1) There is created the Florida Seaport Transportation and Economic Development Trust Fund within the Department of Commerce to finance port transportation or port facilities projects that will improve the movement and intermodal transportation of cargo or passengers in commerce and trade and that will support the interests, purposes, and requirements of ports located in this state.

(2) Moneys shall be transferred from the State Transportation Trust Fund to the Florida Seaport Transportation and Economic Development Trust Fund in the amount of \$20 million per year.

(3)(a) Moneys in the trust fund shall be used only to fund approved projects on a 50-50 matching basis with any of the deepwater ports as listed in s. 403.021(9)(b) which is governed by a public body.

(b) Projects eligible for funding by grants from the trust fund are limited to the following port facilities or port transportation projects:

1. Transportation facilities within the jurisdiction of the port.
2. The dredging or deepening of channels, turning basins, or harbors.
3. The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems or any facilities necessary or useful in connection with any of the foregoing.

4. The acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce.

5. The acquisition of land to be used for port purposes.

6. The acquisition, improvement, enlargement, or extension of existing port facilities.

7. Environmental Protection projects defined in s. 376.22 or which result from the funding of eligible projects listed herein.

8. A transportation facility as defined within s. 334.03(24) which is not included in the Department of Transportation's adopted work program.

(c) To be eligible for consideration by the council pursuant to this section, a project must be consistent with the port comprehensive master plan which is incorporated as part of the local comprehensive management plan as required by s. 163.3178(2)(k) or other provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, part II of chapter 163.

(4) A port eligible for matching funds from the Florida Seaport Transportation and Economic Development Trust Fund may receive a distribution from the trust fund of not more than \$7 million during any one calendar year and a distribution of not more than \$30 million during any 5-calendar-year period.

(5) Any port which receives funding from the Florida Seaport Transportation and Economic Development Trust Fund shall institute procedures to ensure that jobs created as a result of the state funding shall be subject to equal opportunity hiring practices in the manner provided in s. 110.112.

(6) Each port that receives funds pursuant to this section shall submit to the Department of Commerce audited and certified financial statements solely pertaining to the funded project. As part of the audit the independent certified public accountant shall make special mention of the following:

(a) A determination concerning whether such state funds are being used for their intended purpose;

(b) Any violation of the laws within the scope of the audit; and

(c) Any illegal or improper expenditure, any improper accounting procedures, all failures to properly record financial transactions, and all other inaccuracies, irregularities, shortages, and defalcations.

(7) The department may adopt rules and perform such other acts as are necessary or convenient to ensure that the audited financial statements are timely received and reviewed and that any deficiencies or questioned costs noted by the audit are resolved.

(8) This section expires October 1, 2000, and shall be reviewed by the Legislature in advance of that date.

311.09 Florida Seaport Transportation and Economic Development Council.—

(1) The Florida Seaport Transportation and Economic Development Council is created within the Department of Commerce. The council consists of the following 15 members: the port director, or his designee, of each of the ports of Jacksonville, Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, the secretary of the Department of Transportation or his designee as an ex-officio nonvoting member, the secretary of the Department of Commerce or his designee as an ex-officio nonvoting member, and the secretary of the Department of Community Affairs or his designee as an ex-officio nonvoting member.

(2) The council shall adopt bylaws governing the manner in which the business of the council will be conducted. The bylaws shall specify the procedure by which the chairperson of the council is elected.

(3) The council shall prepare a 5-year Florida Seaport Mission Plan defining the goals and objectives of the council concerning the development of port facilities and an intermodal transportation system. The Florida Seaport Mission Plan shall include specific recommendations for the construction of transportation facilities connecting any port to another transportation mode and for the efficient, cost effective development of transportation facilities or port facilities for the purpose of

enhancing international trade, promoting cargo flow, increasing cruise passenger movements, increasing port revenues, and providing economic benefits to the state. The council shall update the 5-year Florida Seaport Mission Plan annually and shall submit the plan no later than October 1 of each year to the President of the Senate, the Speaker of the House of Representatives, the Department of Commerce, the Department of Transportation, and the Department of Community Affairs. The council also shall recommend to the President of the Senate and the Speaker of the House of Representatives no later than February 1, 1991, programs for the training of minorities and secondary school students in job skills associated with employment opportunities in the maritime industry. Such study shall include but not be limited to an examination of existing programs in Florida and other states.

(4) The council shall adopt rules for evaluating projects which may be funded. The rules shall evaluate the economic benefit of the project, measured by the potential for the proposed project to increase cargo flow, cruise passenger movement, international commerce, port revenues, and the number of jobs for the port's local community.

(5) The council shall review and approve or disapprove each project for which funding is requested from moneys in the Florida Seaport Transportation and Economic Development Trust Fund. The council shall annually submit to the secretary of the Department of Transportation, the secretary of the Department of Commerce, and the secretary of the Department of Community Affairs a list of projects, which have been approved by the council. The list shall specify the recommended funding level for each project; and, if staged implementation of the project is appropriate, the funding requirements for each stage shall be specified.

(6) The Department of Community Affairs shall review the list of projects approved by the council to determine whether the projects are consistent with: state and regional comprehensive plans; to the maximum extent feasible, the comprehensive plans of the units of local government in which the port is located which have local comprehensive plans deemed to be in compliance with part II of chapter 163; and the port master plan. The Department of Community Affairs shall identify and notify the council of those projects which are not consistent with such comprehensive plans and port master plans.

(7) The Department of Transportation shall review the list of projects approved by the council for consistency with the Florida Transportation Plan and the department's adopted work program. In evaluating the consistency of any project, other than that described pursuant to s. 311.07(3)(b)8., the department shall determine whether the transportation impact of the proposed project is currently being adequately handled by existing state highway facilities or by the construction of additional state highway facilities as identified in the Florida Transportation Plan and the department's adopted work program. In reviewing for consistency a transportation facility project, as defined in s. 334.03(24) and which is not part of the department's work program, the department shall evaluate whether the project adequately handles the movement of cargo or passengers from the port to the State Highway System or local road. If the project services the transportation requirements for the movement of cargo or passengers, the project shall be approved for consistency as a consideration to facilitate the economic development and growth of the state in a timely manner. The Department of Transportation shall identify those projects which are inconsistent and shall notify the council of projects found to be inconsistent.

(8) The Department of Commerce shall review the list of projects approved by the council to evaluate the economic benefit of the project and to determine whether the project is consistent with the Florida Seaport Mission Plan. The Department of Commerce shall review the economic benefits of each project based upon the rules adopted pursuant to subsection (4). The Department of Commerce shall identify those projects which it has determined do not offer an economic benefit to the state or are not consistent with the Florida Seaport Mission Plan and shall notify the council of its findings.

(9) The council shall review the findings of the Department of Community Affairs, the Department of Commerce, and the Department of Transportation. If the council determines that a project which has been reported as inconsistent under subsection (7) or subsection (8) should nevertheless be included on the list of projects to be funded, the council shall provide with its budget request an explanation of the project's benefit to the state and a response to the applicable department's finding of inconsistency or lack of economic benefit. Projects not found to be consistent pursuant to subsection (6) shall not be included on the list of projects to be funded.

(10) The Department of Commerce shall include in its annual legislative budget a Florida Seaport Transportation and Economic Development block grant program that includes projects approved by the council which have been determined consistent and economically beneficial pursuant to this section. Funds shall be requested from the Florida Seaport Transportation and Economic Development Trust Fund in an amount approved by the council to fund the approved projects. All other projects requested to be funded by the council shall be included in the department's legislative budget as specific projects with appropriate comments as provided in this section. The Department of Commerce shall file the reviews performed (by the Department of Commerce, the Department of Community Affairs, and the Department of Transportation) with its legislative budget request for an appropriation from the Florida Seaport Transportation and Economic Development Trust Fund. The Department of Commerce also shall file with its annual legislative budget request the Florida Seaport Mission Plan and any specific project explanations required by subsection (9).

(11) The council shall meet at the call of its chairperson, at the request of a majority of its membership, or at such times as may be prescribed in its bylaws. However, the council must meet at least semiannually. A majority of voting members of the council constitutes a quorum for the purpose of transacting the business of the council. All members of the council are voting members except for members representing the Department of Transportation, the Department of Community Affairs, and the Department of Commerce. A vote of the majority of the voting members present is sufficient for any action of the council, unless the bylaws of the council require a greater vote for a particular action.

(12) Members of the council shall serve without compensation but are entitled to receive reimbursement for per diem and traveling expenses as provided in s. 112.061. The council may elect to provide an administrative staff to provide services to the council on matters relating to the Florida Seaport Transportation and Economic Development Trust Fund and the council. The cost for such administrative services shall be paid by all ports that receive funding from the Florida Seaport Transportation and Economic Development Trust Fund, based upon a pro rata formula measured by each recipient's share of the funds as compared to the total funds disbursed to all recipients during the year from the trust fund. The share of costs for administrative services shall be paid by the recipient port at the time trust funds are disbursed to it, and such payment is in addition to the matching funds required to be paid by the recipient port.

(13) This section expires October 1, 2000, and shall be reviewed by the Legislature pursuant to s. 11.611 in advance of that date.

Section 17. Paragraph (a) of subsection (2) and subsections (9), (14), and (17) of section 339.175, Florida Statutes, 1988 Supplement, as amended by section 6 of chapter 89-301, Laws of Florida, are amended to read:

**339.175 Transportation planning organization.—**

(2)(a) The voting membership of an M.P.O. shall consist of not fewer than 5 or more than 18 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected units of general purpose local government as required by federal rules and regulations. County commission members shall *comprise* ~~comprise~~ not less than 33 1/3 percent of the M.P.O. membership, except for an M.P.O. with more than 15 members located in a county with a five-member county commission, in which case county commission members may *comprise* ~~comprise~~ less than 33 1/3 percent of the M.P.O. membership, but all five county commissioners shall be members. All voting members shall be elected officials of general purpose governments, except that a local governing entity which has two or more members on the M.P.O. may appoint, as one of its apportioned voting members, a member of a statutorily authorized planning board or transportation, expressway, aviation, or port authority. In urbanized areas in which authorities or other agencies have been, or may be, created by law to perform transportation functions that are not under the jurisdiction of local elected officials, they may be considered by the Governor for one voting membership on the M.P.O. *However, in urbanized areas in which authorities or other agencies have been created by law to perform mass transit functions that receive financial assistance or grants from the state, such authorities or agencies must have one voting member on the M.P.O. That member must be an elected official appointed by the respective authority or other agency that performs mass transit functions. If there is more than one mass transit agency in the urbanized area, the member shall be elected by vote of the transit*

*agencies. The county commission shall comprise not less than 25 percent of the M.P.O. membership when a mass transit representative has been appointed.*

(9) The powers, privileges, and authority of an M.P.O. are those specified in this section and incorporated in the interlocal agreement authorized under s. 163.01. The duties of an M.P.O. are described as those duties required by federal and state laws, rules, and regulations, now and subsequently applicable, which are necessary to qualify the urbanized areas of the state to receive all federal-aid transportation funds for which they are legally eligible as a consequence of the proper exercise of such duties. Such duties include, in cooperation with the department, the following functions, including any subsequent amendments or expansions required by federal and state laws, rules, and regulations:

(a) Development of:

1. A comprehensive transportation plan which includes consideration of long-range goals and transportation systems management measures.

2. An annual unified planning work program which will identify the planning budget and the planning activities to be undertaken during the program year. The work program shall be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government whose boundaries are within the urbanized area of the M.P.O.

3. An annually updated transportation improvement program, which shall consist of improvements recommended from the comprehensive transportation plan developed and recommended for federal or state funding during the program period and which shall:

a. Identify transportation improvements recommended for advancement during the next fiscal year and 4 subsequent state fiscal years. Such improvements shall be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government whose boundaries are within the urbanized area of the M.P.O. The department shall give primary priority to those transportation improvements that are:

(I) Designed to maximize safe and efficient travel;

(II) Identified in approved local government comprehensive plans to receive local matching funds in accordance with the provisions of s. 335.20, or to be funded pursuant to the provisions of s. 339.12;

(III) Within transportation corridors protected by local government action;

(IV) Used in the operation of or in conjunction with public transportation facilities; and

(V) Located within the boundaries of a local government which has made a responsible local effort to fund improvements needed to accommodate local *transportation demand traffic*.

b. Indicate the priorities for the area.

c. Group improvements of similar urgency and anticipated staging into appropriate staging periods.

d. Include realistic estimates of total costs and revenues for the program period.

e. Include a discussion of how improvements relate to the comprehensive transportation plan.

f. Indicate how the improvements are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government whose boundaries are within the urbanized area.

g. *Indicate how the improvements are consistent, to the maximum extent feasible, with port, aviation, and transit master plans for the community.*

The annual transportation improvement program shall be submitted to the district secretary and the Department of Community Affairs at least 90 days prior to the submission of the tentative work program to the Florida Transportation Commission.

(14) An M.P.O. shall execute and maintain an agreement with publicly owned operators of mass transportation and aviation services which

*describes the means by which activities will be coordinated and specifies how mass transit and aviation planning and programming will be part of the comprehensive planned development of ~~specifics—interaction essential to an effective consideration of mass transit usage within the~~ urbanized area.*

(17) Each M.P.O., in cooperation with the department, shall appoint a technical advisory committee which shall include planners, engineers, representatives from local aviation authorities or *aviation departments*, and port authorities or *aviation departments* and seaport departments, and transit authorities or transit departments of municipal or county governments, other appropriate individuals employed by the signatories, and the school superintendent for each county covered by the M.P.O. or such superintendent's designee.

(a) In addition to its other duties, each technical advisory committee is responsible for identifying projects contained in its long range transportation plan or transportation improvement plan as deserving classification as a school safety concern.

(b) The technical advisory committee shall recommend to the M.P.O. those projects which the committee believes are deserving of classification as a school safety concern. Upon receipt of the recommendation from the technical advisory committee, the M.P.O. shall vote on whether to classify each project contained in the recommendation as a school safety concern.

When a project has been identified as a school safety concern pursuant to this subsection, the governmental entity responsible for the project shall consider at least two alternatives before making its decision about the project.

Section 18. Section 341.031, Florida Statutes, is amended to read:

341.031 Definitions.—As used in ss. 341.011-341.061, the term:

(1) *"Eligible public transit provider" means a public agency providing public transit service or a coordinated community transportation provider designated under chapter 427.*

(2) *"Eligible transit operating costs" means the total administrative, management, and operational costs directly incident to the provision of public transit services, excluding any depreciation or amortization of capital assets and excluding costs for labor, wages, and fringe benefits.*

(3)(4) *"Fixed-guideway transportation system" means a public transit system for the transporting of people by a conveyance, or a series of interconnected conveyances, which conveyance or series of conveyances is specifically designed for travel on a stationary rail or other guideway, whether located on, above, or under the ground.*

(4) *"Local revenue sources" means the sum of funds received from a local government entity to assist in paying transit operation costs, including tax funds and revenue earned from farebox receipts, charter service, contract service, express service, and nontransportation activities.*

(5)(2) *"Paratransit" means those elements of public transit which provide service between specific origins and destinations selected by the individual user with such service being provided at a time that is agreed upon by the user and the provider of the service. Paratransit service is provided by taxis, limousines, "dial-a-ride" buses, and other demand-responsive operations that are characterized by their nonscheduled, non-fixed route nature.*

(6)(3) *"Public transit" means the transporting of people by conveyances, or systems of conveyances, traveling on land or water, local or regional in nature, and available for use by the public. Public transit systems may be either governmentally owned or privately owned. Public transit specifically includes those forms of transportation commonly known as "paratransit."*

(7)(4) *"Public transit capital project" means a project undertaken by a public agency to provide public transit to its constituency, and is limited to acquisition, design, construction, reconstruction, or improvement of a governmentally owned or operated transit system.*

(8)(5) *"Public transit service development project" means a project undertaken by a public agency to determine whether a new or innovative technique or measure can be utilized to improve or expand public transit services to its constituency. The duration of the project shall be limited according to the type of the project in conformance with the provisions*

of s. 341.051(5)(f)(e), but in no case shall exceed a period of 3 years. Public transit service development projects specifically include projects involving the utilization of new technologies, services, routes, or vehicle frequencies; the purchase of special transportation services; and other such techniques for increasing service to the riding public as are applicable to specific localities and transit user groups.

(9)(6) *"Ridesharing" means an arrangement between persons with a common destination, or destinations, within the same proximity, to share the use of a motor vehicle on a recurring basis for round-trip transportation to and from their place of employment or other common destination. For purposes of ridesharing, employment shall be deemed to commence when an employee arrives at the employer's place of employment to report for work and shall be deemed to terminate when the employee leaves the employer's place of employment, excluding areas not under the control of the employer. However, an employee shall be deemed to be within the course of employment when the employee is engaged in the performance of duties assigned or directed by the employer, or acting in the furtherance of the business of the employer, irrespective of location.*

(10)(7) *"Transit corridor project" means a project that is undertaken by a public agency and designed to relieve congestion and improve capacity within an identified transportation corridor, as designated in accordance with the provisions of s. 339.155(1)(d), by increasing people-carrying capacity of the system through the use and facilitated movement of high-occupancy conveyances. The service duration of such a project shall not exceed a period of 2 years unless the Legislature, on the basis of documentation by the department that the project is the most cost-effective method of relieving congestion and improving capacity within the identified corridor, reauthorizes the project for an additional 2 years.*

Section 19. Subsections (3) and (12) of section 341.041, Florida Statutes, as amended by section 16 of chapter 89-301, Laws of Florida, are amended to read:

341.041 Transit responsibilities of the department.—The department shall, within the resources provided pursuant to chapter 216:

(3) Develop, publish, and administer state *measures standards* concerning system management, performance, *productivity, cost distribution*, and safety of governmentally owned public transit systems and privately owned or operated systems financed wholly or in part by state funding. Such *measures standards* shall be developed jointly with representatives of affected publicly owned transit systems and in coordination with affected privately owned systems, with full consideration given to nationwide industry norms, and shall represent minimum acceptable *measures standards*.

(12) Assist local governmental entities in achieving a condition wherein transit systems are operated at a service level that is responsive to identified transit needs and in such a manner as ~~both to accommodate a minimum of 20 percent of peak-hour travel and to recover a minimum of 50 percent of operating costs from the fare box on a statewide basis by the year 1995.~~

Section 20. Present paragraphs (b) through (e) of subsection (5) of section 341.051, Florida Statutes, 1988 Supplement, as amended by section 17 of chapter 89-301, Laws of Florida, are redesignated as paragraphs (d) through (g), respectively, and new paragraphs (b) and (c) are added to said subsection to read:

341.051 Administration and financing of public transit programs and projects.—

(5) FUND PARTICIPATION; CAPITAL ASSISTANCE.—

(b) *The Department of Transportation shall develop a capital investment policy which shall include policy criteria and guidelines for the expenditure or commitment of state funds for public transit capital projects. The policy must include an evaluation of the following:*

1. *Consistency between the project and local transportation and land use planning.*

2. *Local commitment to the transit project as demonstrated through system planning and the development of a feasible plan to fund operating costs through fares, value-capture techniques such as joint development and special districts, or other local funding mechanisms.*

3. *Alternative transit systems, including an analysis of technology and alternative methods for providing transit services in the corridor.*



(c) *The department shall present such investment policy to both the Senate Transportation Committee and the House Public Transportation Committee along with recommended legislation by March 1, 1990.*

Section 21. Section 341.052, Florida Statutes, is created to read:

341.052 Public transit block grant program; administration; eligible projects; limitation.—

(1) There is created a public transit block grant program which shall be administered by the department.

(2) Public transit block grant program funds may be expended for costs of:

(a) Public bus transit and local public fixed-guideway capital projects.

(b) Public bus transit service development projects.

(c) Public bus transit operations.

(d) Coordinated community transportation provider operations.

(3) The following limitations apply to the use of public transit block grant program funds:

(a) State participation in eligible capital projects may not exceed 50 percent of the nonfederal share of such project costs.

(b) State participation in eligible public bus transit operating costs may not exceed 50 percent of such costs.

(c) An eligible public bus transit provider may not use public transit block grant funds to supplant local tax revenues made available to such provider in the previous year. The combined proportion of the local dollars allocated to capital and eligible transit operating costs may not be reduced except as approved by the department for operating expenses related to new capital.

(d) The state may not give any county more than 39 percent of the funds available for distribution under this section or more than the amount that local revenue sources provide to that transit system.

(4) To remain eligible to receive funding under the public transit block grant program, transit systems must comply with the requirements of s. 341.071(1) by July 1, 1991, and the requirements of s. 341.071(2) by July 1, 1992.

(5) The department shall distribute to coordinated community transportation providers designated under chapter 427 and rural transit systems designated as "section 18" systems by the United States Department of Transportation 15 percent of the funds designated for the public transit block grant program. Each such provider or system is entitled to receive a share of such funds equal to the percentage that the passengers carried by that provider or system in the previous year is of the passengers carried by all such providers and systems in that year. The Coordinating Council on the Transportation Disadvantaged shall review the distribution of funds to the providers identified in this subsection as such funds would be distributed pursuant to this subsection and as such funds would be distributed if the identified providers receive funds pursuant to the formula for the "section 9" providers designated by the United States Department of Transportation exclusive of the minimum distribution provided in paragraph (6)(a). The results of the review and a recommendation as to which method of distribution best provides funding to meet the needs of the transportation disadvantaged shall be reported to the House Public Transportation Committee and the Senate Transportation Committee by March 1, 1990.

(6) The department shall distribute public transit block grant funds to "section 9" providers designated by the United States Department of Transportation on the basis of the following formula:

(a) All eligible "section 9" providers designated by the United States Department of Transportation shall receive \$20,000 or an amount equal to the amount of local government tax revenue received by such provider, whichever is less.

(b) One-third of the remaining funds shall be distributed according to the percentage that the eligible system's county population in the most recent year for which those population figures are available is of the total population of all counties served by eligible systems.

(c) One-third shall be distributed according to the percentage that the total revenue miles provided by a bus transit system in the previous year is of the total revenue miles provided by fixed-route public bus transit systems in the state in that year.

(d) One-third shall be distributed according to the percentage that the total passengers carried by a bus transit system in the previous year is of the total number of passengers carried by fixed-route public transit bus systems in the state in that year.

Section 22. Section 341.053, Florida Statutes, is created to read:

341.053 Intermodal Development Program; administration; eligible projects; limitations.—

(1) There is created an intermodal development program to provide for major capital investments in rail and fixed-guideway, intermodal access for seaports and airports and to assist in the development of dedicated bus lanes and other public transportation development programs.

(2) The intermodal development program shall be administered by the department.

(3) The department is authorized to fund projects within the intermodal development program with the following priorities:

(a) First, major capital investments in public rail and fixed-guideway facilities which provide intermodal access and which, after July 1, 1991, have complied with the requirements of the department's major capital investment policy.

(b) Second, other major capital investments in public rail and fixed-guideway facilities which, after July 1, 1991, have complied with the requirements of the department's major capital investment policy.

(c) Third, nonroadway intermodal access facilities.

(d) Fourth, dedicated bus lanes and road access to seaports and airports.

All major capital investment projects must be submitted to the Legislature as part of the department's work program and must be approved by the Legislature prior to expenditure of funds by the department.

Section 23. Section 341.071, Florida Statutes, is created to read:

341.071 Transit productivity and performance measures; reports.—

(1) If there is an approved local government comprehensive plan for the political subdivision or political subdivisions in which the public transportation system is located, each eligible public transit provider shall establish a public transportation master plan which is consistent, to the maximum extent feasible, with approved local government comprehensive plans.

(2) Each eligible public transit provider shall establish productivity and performance measures, subject to approval by the department, which must comply with the measures developed pursuant to s. 341.041(3). Each provider shall report annually to the department on the attainment of these measures. In approving these measures, the department shall give consideration to the goals and objectives of each system, the needs of the local area, and the role for public transit in the local area.

(3) Each eligible public transit provider shall publish in the local newspaper of its area the productivity and performance measures established for the year and a report which provides quantitative data on the attainment of established productivity and performance measures.

Section 24. Section 341.102, Florida Statutes, is amended to read:

341.102 Regulation of nonpublic-sector buses.—No local governmental entity shall unduly restrict or impose any economic regulation upon the use of nonpublic-sector buses engaged *primarily in intercounty intercity* transportation, and any such existing restrictions are invalid. However, local governmental entities may enact necessary safety and traffic ordinances.

Section 25. Subsections (3) and (4) are added to section 206.46, Florida Statutes, 1988 Supplement, as amended by section 1 of chapter 88-247, Laws of Florida, to read:

206.46 State Transportation Trust Fund.—

(3) *Beginning July 1, 1990, there is hereby annually appropriated \$1.5 million of the moneys deposited into the State Transportation Trust Fund to the Urban Transportation Research Trust Fund.*

(4) *Notwithstanding any other provision of law, not less than 15.75 percent of the state moneys in the State Transportation Trust Fund must be allocated by the Department of Transportation to fund public transportation projects. After deducting \$20 million per year to fund the Florida Seaport Transportation and Economic Development Trust Fund, as established by s. 311.07, the moneys allocated pursuant to this subsection shall be allocated in the following manner:*

(a) *33.33 percent must be allocated to fund fixed-route bus services and services for the transportation disadvantaged;*

(b) *38.00 percent must be allocated to fund airport development projects and discretionary capacity improvement projects; and*

(c) *28.67 percent must be allocated to fund intermodal development, rail-development projects, and fixed-guideway development projects.*

Section 26. Section 338.001, Florida Statutes, is created to read:

338.001 Florida Intrastate Highway System Plan.—

(1) The department shall plan and develop a proposed Florida Intrastate Highway System Plan which shall delineate a statewide system of limited access facilities and controlled access facilities. The plan shall provide a statewide transportation network that allows for high-speed and high-volume traffic movements within the state. The primary function of the system is to provide such traffic movements. Access to abutting land must be prohibited or highly regulated and is subordinate to the primary function.

(2) This system shall consist of the following primary components:

(a) Interstate highways.

(b) The Florida Turnpike System.

(c) Interregional and intercity limited access facilities.

(d) Existing interregional and intercity arterial highways previously upgraded or upgraded in the future to controlled access facility standards.

(e) New limited access facilities necessary to complete a balanced statewide system.

(3) The department shall adhere to the following policy guidelines in developing the proposed plan:

(a) Make capacity improvements to existing facilities where feasible to minimize costs and environmental impacts.

(b) Identify appropriate arterial highways in major transportation corridors for inclusion in a program to bring these facilities up to controlled access facility standards.

(c) Coordinate proposed system projects with appropriate limited access projects undertaken by expressway authorities and local governmental entities.

(d) Maximize the use of limited access facility standards when constructing new arterial highways.

(e) Identify appropriate new limited access highways for inclusion as a part of the Florida Turnpike System.

(f) To the maximum extent feasible, ensure that proposed system projects are consistent with approved local government comprehensive plans of the local jurisdictions in which such facilities are to be located.

(4) The objective of the proposed plan is to complete each project proposed as a part of the system within 25 years after the Legislature approves the addition of that project to the plan. Each facility proposed as a part of the system shall have a projected time for completion.

(5) The department shall establish the standards and criteria for the functional characteristics and design of facilities proposed as part of the Florida Intrastate Highway System.

(6) For the purposes of developing the proposed plan, the department shall allocate the following amounts:

(a) In fiscal year 1989-1990, the equivalent of 0.85 cents per gallon of the state motor fuel tax to projects which are included in the plan. The department may allocate such funds for use on turnpike projects.

(b) In fiscal year 1990-1991, the equivalent of 1.36 cents per gallon of the state motor fuel tax to projects that are included in the plan. The department may allocate such funds for use on turnpike projects.

(c) In fiscal year 1991-1992, the equivalent of 1.64 cents per gallon of the state motor fuel tax to projects which are included in the plan. The department may allocate such funds for use on turnpike projects.

(d) In fiscal year 1992-1993, the equivalent of 1.93 cents per gallon of the state motor fuel tax to projects which are included in the plan. The department may allocate such funds for use on turnpike projects.

(e) In fiscal year 1993-1994 and fiscal year 1994-1995, the equivalent of 1.95 cents per gallon of state motor fuel tax to projects which are included in the plan. The department may allocate such funds for use on turnpike projects.

Beginning with the 1995-1996 fiscal year, the allocation of state motor fuel tax to turnpike projects shall be determined by the General Appropriations Act.

(7) No project may be constructed as part of the Florida Intrastate Highway System unless included in the system plan as adopted by affirmative action of the Legislature.

(8) The proposed Florida Intrastate Highway System Plan shall be included as a section of the Florida Transportation Plan submitted to the Legislature by January 15, 1991.

(9) The Department of Transportation and the Department of General Services shall create and implement an outreach program designed to enhance the participation of minority persons and minority business enterprises in all contracts entered into by their respective departments for services related to the financing of department projects for the Florida Intrastate Highway System Plan. These services shall include, but not be limited to, bond counsel and bond underwriters.

Section 27. Subsections (6), (11), and (20) of section 334.03, Florida Statutes, 1988 Supplement, are amended, present subsections (9) through (30) are renumbered as subsections (10) through (31), respectively, and a new subsection (9) is added to said section to read:

334.03 Definitions of words and phrases.—The following words and phrases when used in this code have, unless the context clearly indicates otherwise, the following meanings:

(6) "Controlled access facility."—A *street or highway transportation facility* to which *the right of access is highly regulated* by the governmental entity having jurisdiction over the facility *in order to maximize the operational efficiency and safety of the high-volume through traffic using the facility*. Owners or occupants of abutting lands and other persons have a right of access to or from such facility at such points only and in such manner as may be determined by the governmental entity.

(9) "Florida Intrastate Highway System."—A *system of limited access and controlled access facilities which have the capacity to provide high-speed and high-volume traffic movements in an efficient and safe manner. Highways may only be included as part of this system when so designated by law.*

(12)(11) "Limited access facility."—A *street or highway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no right or easement or only a limited right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason. Such highways or streets may be parkways from which trucks, buses, and other commercial vehicles are excluded; or they may be freeways open to use by all customary forms of street and highway traffic.*

(21)(20) "State Highway System."—The State Highway System consists of the following, which shall be *limited access facilities or controlled access facilities to which access is regulated*:

(a) The interstate system;

(b) All rural arterial routes and their extensions into and through urban areas;

(c) All urban principal arterial routes; and

(d) The urban minor arterial mileage on the existing State Highway System as of July 1, 1987, plus additional mileage to comply with the 2-percent requirement as described below. These urban minor arterial routes shall be selected in accordance with s. 335.04(1)(a) and (b).

However, not less than 2 percent of the public road mileage of each urbanized area on record as of June 30, 1986, shall be included as minor arterials in the State Highway System. Urbanized areas not meeting the foregoing minimum requirement shall have transferred to the State Highway System additional minor arterials of the highest significance in which case the total minor arterials in the State Highway System from any urbanized area shall not exceed 2.5 percent of that area's total public urban road mileage.

Section 28. Paragraph (c) of subsection (1) of section 334.046, Florida Statutes, is amended to read:

334.046 Department program objectives.—

(1) The program objectives of the department for the purpose of enhancing public safety and providing for a comprehensive transportation system are:

(c) To reduce congestion on the state transportation system, the generation of pollutants, and fuel consumption by:

1. *Developing and implementing the Florida Intrastate Highway System as approved by the Legislature;*

2.1. Reducing deficient lane miles through new construction and expansion of existing facilities;

3.2. Constructing intersection improvements, grade separations, and other traffic operation improvements;

4.3. Participating in the development of toll roads; and

5.4. Promoting all forms of public transit.

Section 29. Subsection (3) of section 288.063, Florida Statutes, 1988 Supplement, as amended by section 2 of chapter 89-352, Laws of Florida, is amended to read:

288.063 Contracts for transportation projects.—

(3) With respect to any contract executed pursuant to this section, the term "transportation project" means a transportation facility as defined in s. 334.03(27)(26) which is necessary in the judgment of the Division of Economic Development to facilitate the economic development and growth of the state. Except for applications received prior to July 1, 1988, such transportation projects shall be approved only as a consideration to attract new employment opportunities to the state or expand employment in existing companies operating within the state. The Division of Economic Development shall institute procedures to ensure that small and minority businesses have equal access to funding provided under this section. Funding for approved transportation projects may include any expenses, other than administrative costs and equipment purchases specified in the contract, necessary for new, or improvement to existing, transportation facilities.

Section 30. Subsection (21) of section 479.01, Florida Statutes, is amended to read:

479.01 Definitions.—As used in this chapter, the term:

(21) "Urban area" has the same meaning as defined in s. 334.03(26)(25).

Section 31. Subsections (6), (7), and (9) of section 338.221, Florida Statutes, 1988 Supplement, are amended and subsection (10) is added to said section to read:

338.221 Definitions of terms used in ss. 338.22-338.244.—As used in ss. 338.22-338.244, the following words and terms have the following meanings, unless the context indicates another or different meaning or intent:

(6) "Turnpike system" means those limited access toll highways and associated feeder roads and other structures, appurtenances, or rights previously designated, acquired, or constructed pursuant to the Florida Turnpike Law and other noninterstate limited access nontoll highways designated by the department in the turnpike system plan pursuant to s. 338.223 as part of the turnpike system and such other additional turnpike

projects as may be acquired or constructed as approved by the Legislature in accordance with s. 11(e), Art. VII of the State Constitution, or in accordance with s. 339.135.

(7) "Turnpike improvement" means any betterment necessary or desirable for the safe and efficient operation of the turnpike system, including, but not limited to, the widening, or resurfacing of any road on the turnpike system and improvement or replacement of widenings, resurfacings, toll plazas, machinery, and equipment.

(9) "Turnpike project" means any turnpike improvement, improvement to the turnpike system or any extension to or expansion of the turnpike system statewide, including limited access toll highways and associated feeder roads and other structures, interchanges, appurtenances, or rights as may be approved in accordance with the Florida Turnpike Law.

(10) "Verification of environmental feasibility" means a preliminary determination by the Department of Environmental Regulation, in consultation with other affected environmental agencies, that the proposed project, including such mitigation measures as may be proposed, will meet all applicable environmental permitting requirements.

Section 32. Section 338.222, Florida Statutes, 1988 Supplement, is amended to read:

338.222 Department of Transportation sole governmental entity to acquire, construct, or operate turnpike projects system; exception.—

(1) No governmental entity other than the department may acquire, construct, maintain, or operate the turnpike system subsequent to the enactment of this law, except upon specific authorization of the Legislature.

(2) The department may contract with any local governmental entity as defined in s. 334.03(12) for the design of, right-of-way acquisition for, or construction of any turnpike project which the Legislature has approved. Local governmental entities may negotiate with the department for the design of, right-of-way acquisition for, and construction of any section of the turnpike project within areas of their respective jurisdictions or within counties with which they have interlocal agreements.

Section 33. Section 338.223, Florida Statutes, 1988 Supplement, as amended by section 13 of chapter 89-301, Laws of Florida, is amended to read:

338.223 Proposed turnpike projects; turnpike system plan.—

(1)(a) The department shall develop and maintain a turnpike system plan of limited access highways as an integral part of the Florida Intrastate Highway System. The plan shall delineate the ultimate connection of such highways into an interconnected statewide turnpike system. Any proposed turnpike project to be constructed or acquired as part of the turnpike system and any turnpike improvement shall be included in the department's turnpike system plan, the first 5 years of which shall be submitted by January 15 of each year to the Legislature as part of, and along with, the tentative work program. No proposed turnpike project or group of proposed turnpike projects shall be added to the turnpike system plan unless determined to be economically and environmentally feasible. The department may authorize engineering studies, traffic studies, environmental studies, and other expert studies of the location, costs, economic feasibility, and practicality of proposed turnpike projects throughout the state. If it is found to be economically feasible, the department may propose the addition of the project or group of projects may be added to the turnpike system plan. Each such project or group of projects included in the department's legislative budget request shall be prioritized according to economic feasibility. If a proposed turnpike project or group of proposed turnpike projects is found to be economically and environmentally feasible, the department shall construct, maintain, and operate such turnpike projects approved by the Legislature in accordance with s. 11(e), Art. VII of the State Constitution, or in accordance with s. 339.135, as part of the turnpike system.

(b) Any proposed turnpike project or turnpike improvement shall be developed in accordance with the Florida Transportation Plan and the work program pursuant to s. 339.135. Turnpike projects that add capacity, alter access, affect feeder roads, or affect the operation of the local transportation system shall be included in the transportation improvement plan of the affected metropolitan planning organization. If such turnpike project does not fall within the jurisdiction of a metropolitan planning organization, the department shall notify the affected county and provide for public hearings in accordance with s. 339.155(7)(c).

(2) Subject to the provisions of s. 338.228, the department is authorized to expend, out of any funds available for the purpose, such moneys as may be necessary for studies, preliminary engineering, construction, right-of-way acquisition, and construction engineering inspection of any turnpike project and is authorized to use its engineering and other resources for such purposes.

(3) All obligations and expenses incurred by the department under this section shall be paid by the department and charged to the appropriate turnpike project or turnpike improvement. The department shall keep proper records and accounts showing each amount that is so charged. All obligations and expenses so incurred shall be treated as part of the cost of such project and shall be reimbursed to the department out of turnpike revenues or out of the bonds authorized under ss. 338.22-338.244 except when such reimbursement is prohibited by state or federal law. However, the department is authorized, with the approval of the Legislature, to pay from the State Transportation Trust Fund a portion of the capital cost of toll projects as necessary to meet the requirements of s. 338.223(1)(a), ~~to provide an interconnected turnpike system.~~

Section 34. Section 338.227, Florida Statutes, 1988 Supplement, is amended to read:

338.227 Turnpike revenue bonds.—

(1) The department is authorized to borrow money as provided by the State Bond Act for the purpose of paying all or any part of the cost of any one or more *legislatively approved* turnpike projects. The principal of, and the interest on, such bonds will be payable solely from revenues pledged for their payment.

(2) The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the turnpike projects for which such bonds shall have been issued, except as provided in the State Bond Act. Such proceeds shall be disbursed and used as provided by ss. 338.22-338.244 and in such manner and under such restrictions, if any, as the Division of Bond Finance may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same.

(3) The Division of Bond Finance is authorized to issue revenue bonds on behalf of the department to finance or refinance the cost of turnpike projects approved by the Legislature in accordance with s. 11(e), Art. VII of the State Constitution. Pursuant to s. 11(e), Art. VII of the State Constitution, the Legislature hereby approves:

(a) ~~The turnpike system as of July 1, 1988.~~

(b) ~~Subject to verification of economic feasibility by the department in accordance with s. 338.221(8), those projects listed in Alternative IV of the April 1987 report on the Future of Florida's Turnpike as recommended to the Legislature by the secretary to be financed by the issuance of revenue bonds in an amount not to exceed \$220 million.~~

(c) ~~Subject to verification of economic feasibility by the department in accordance with s. 338.221(8), an extension to the existing turnpike system beginning at the present northern terminus of the turnpike near Wildwood in Sumter County, to a point at Lebanon Station in Levy County, a distance of approximately 43 miles, the exact route and termini to be determined by the department, to be financed by the issuance of revenue bonds and by the department with State Transportation Trust Fund revenues.~~

(d) ~~Subject to verification of economic feasibility by the department in accordance with s. 338.221(8), an extension of the Sawgrass Expressway, a project of the Broward County Expressway Authority, providing a connection from the present northern terminus of the expressway to Interstate 95, to be financed by the issuance of revenue bonds and by the department with State Transportation Trust Fund revenues.~~

Section 35. Section 338.2275, Florida Statutes, is created to read:

338.2275 Approved turnpike projects.—Pursuant to s. 11(e), Art. VII of the State Constitution, the Legislature hereby approves:

(1) The turnpike system as of July 1, 1988.

(2) Subject to verification of economic feasibility by the department in accordance with s. 338.221(8), those projects listed in Alternative IV of the April 1987 report on the Future of Florida's Turnpike as recommended to the Legislature by the secretary to be financed by the issuance of revenue bonds in an amount not to exceed \$220 million.

(3) Subject to verification of economic and environmental feasibility by the department in accordance with s. 338.221(8), an extension to the existing turnpike system beginning at the present northern terminus of the turnpike near Wildwood in Sumter County, to a point at Lebanon Station in Levy County, a distance of approximately 43 miles, the exact route and termini to be determined by the department, to be financed by the issuance of revenue bonds and by the department with State Transportation Trust Fund revenues.

(4) Subject to verification of economic feasibility by the department in accordance with s. 338.221(8), the department shall acquire the Sawgrass Expressway as a candidate project from the Broward County Expressway Authority. The agreement to acquire the Sawgrass Expressway shall be subject to the terms and covenants of the Broward County Expressway Authority Bond Series 1984 and 1986A lease purchase agreements and shall not act to the detriment of the bondholders or decrease the quality of the bonds. The department shall provide for the replacement and repayment of any Broward County gasoline tax funds pledged or expended for the payment of principal and interest on such series of bonds and operation and maintenance expenses of the Sawgrass Expressway retroactive to July 6, 1988, pursuant to s. 338.231(3). The department may use State Transportation Trust Funds moneys to meet economic feasibility. Upon execution of the agreement between the parties, the Sawgrass Expressway will become a part of the turnpike system.

(5) Subject to verification of economic and environmental feasibility by the department in accordance with s. 338.221(8) and (10), the following projects are approved:

(a) Branan Field/Chaffee Road Facility; a two-lane limited access expressway extending north from State Road 21 in Clay County to 103rd Street in western Duval County.

(b) Seminole County Expressway; a four-lane limited access expressway extending 12 miles from State Road 426 near the Orange/Seminole County line in east Orlando to U.S. 17-92.

(c) Northwest Hillsborough Expressway; a 15.2-mile limited access toll facility extending north from the Courtney Campbell Causeway near the Tampa International Airport to Dale Mabry Highway (State Road 597) just north of Van Dyke Road.

(d) Palmer Expressway; a 5-mile limited access expressway in St. Lucie County extending from Glades Cut-off Road to U.S. 1.

(e) The Southern Connector Extension; a 7.7 mile four-lane limited access extension of the Southern Connector toll facility extending south from State Road 535 to an interchange with I-4 south of U.S. 192.

(f) Atlantic Boulevard Interchange in Broward County.

(g) N.W. 37th Avenue Interchange in Broward County.

(h) S.R. 80/Southern Boulevard Interchange in Palm Beach County.

(i) Forest Hill Boulevard Interchange in Palm Beach County.

(j) N.W. 45th Street Interchange in Palm Beach County.

(k) Lake Worth Road Interchange in Palm Beach County.

(l) East/West Expressway Interchange in Orange County.

(m) Southern Connector Interchange in Orange County.

(n) S.R. 50 Interchange in Orange County.

(o) Dart Boulevard Interchange in Osceola County.

(p) N.W. 74th Street Interchange in Dade County.

(q) Allapattah Road Interchange in Dade County.

(r) Tallahassee Road Interchange in Dade County.

(s) Biscayne Drive Interchange in Dade County.

(t) Campbell Drive Interchange in Dade County.

(u) Seminole County Expressway, Project 2, a 5.7 mile, four-lane, limited access highway extending from U.S. 17-92 interchange to an interchange with C.R. 46A and I-4.

(v) Pineda - Orlando Expressway, a 40.8 mile, four-lane, limited access highway extending from the proposed Southern Connector in Orange County southeasterly to an interchange with I-95 in Brevard County.

(w) North Suncoast Corridor, a 57.0 mile, four-lane, limited access highway extending north from the Northwest Hillsborough Expressway to S.R. 700 (U.S. 98) in Hernando County, including a 14.0 mile western segment that terminates at U.S. 19 near Tarpon Springs.

(x) Western Beltway, a 55.0 mile, four-lane, limited access highway originating at I-4 in the vicinity of C.R. 46A in Seminole County and extending westerly into Lake County, and then southerly through Orange and Osceola Counties to an interchange with I-4 near the Osceola-Polk county line.

A maximum of \$1.2 billion of bonds may be issued to fund projects contained in this subsection. Due to the specialized nature, size, and complexity of the Florida Intrastate Highway System and the turnpike program authorized in this section, the Governor and Cabinet, through the Division of Bond Finance, shall issue a specific request for proposals for the selection of underwriters to underwrite the revenue bonds to be issued to finance or refinance turnpike projects. This request for proposals must be issued no later than April 30, 1990.

Section 36. Section 338.228, Florida Statutes, 1988 Supplement, is amended to read:

338.228 Bonds not debts or pledges of credit of state.—Turnpike revenue bonds issued under the provisions of ss. 338.22-338.244 are not debts of the state or pledges of the faith and credit of the state. Such bonds are payable exclusively from revenues pledged for their payment. All such bonds shall contain a statement on their face that the state is not obligated to pay the same or the interest thereon, except from the revenues pledged for their payment, and that the faith and credit of the state is not pledged to the payment of the principal or interest of such bonds. The issuance of turnpike revenue bonds under the provisions of ss. 338.22-338.244 does not directly, indirectly, or contingently obligate the state to levy or to pledge any form of taxation whatsoever, or to make any appropriation for their payment. *Except as provided in ss. 338.001 and 338.223, no state funds shall be used on any turnpike project or be used to pay the principal or interest of any bonds issued to finance or refinance any portion of the turnpike system, and all such bonds shall contain a statement on their face to this effect.*

Section 37. Subsection (2) of section 215.82, Florida Statutes, as amended by section 4 of chapter 88-247 and section 1 of chapter 88-318, Laws of Florida, is amended to read:

215.82 Validation; when required.—

(2) Any bonds issued pursuant to this act which are validated shall be validated in the manner provided by chapter 75. In actions to validate bonds to be issued in the name of the State Board of Education under s. 9(a) and (d), Art. XII of the State Constitution and bonds to be issued pursuant to chapter 259, the Land Conservation Act of 1972, the complaint shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending. In any action to validate bonds issued pursuant to s. 338.227 or s. 215.605, the complaint shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published in a newspaper of general circulation in the county where the complaint is filed and in two other newspapers of general circulation in the state, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending; provided, however, that if publication of notice pursuant to this section would require publication in more newspapers than would publication pursuant to s. 75.06, such publication shall be made pursuant to s. 75.06.

Section 38. Section 338.231, Florida Statutes, 1988 Supplement, is amended to read:

338.231 Turnpike tolls, fixing; pledge of tolls and other revenues.—The department shall at all times fix, adjust, charge, and collect such tolls for the use of the turnpike system, ~~except on those nontoll roads designated by the department as part of the turnpike system for which the department will assume all costs from other than revenues,~~ as are required in order to provide a fund sufficient with other revenues of the turnpike system to pay the cost of maintaining, repairing, and operating such turnpike system; to pay the principal of and interest on all bonds issued to finance or refinance any portion of the turnpike system as the same become due and payable; and to create reserves for all such purposes.

(1) In the process of effectuating toll rate increases over the period 1988 through 1992, the department shall, to the maximum extent feasible, equalize the toll structure, within each vehicle classification, so that the per mile toll rate will be approximately the same throughout the turnpike system. New turnpike projects may have toll rates higher than the uniform system rate where such higher toll rates are necessary to qualify the project in accordance with the financial criteria in the turnpike law. Such higher rates may be reduced to the uniform system rate when the project is generating sufficient revenues to pay the full amount of debt service and operating and maintenance costs at the uniform system rate. *If, after 15 years of being open to traffic, the annual revenue of a turnpike project does not meet or exceed the annual debt service requirements and operating and maintenance costs attributable to such project, the department shall, to the maximum extent feasible, establish a toll rate for the project which is higher than the uniform system rate as necessary to meet such annual debt service requirements and operating and maintenance costs.* The department may, to the extent feasible, establish a temporary toll rate at less than the uniform system rate for the purpose of building patronage for the ultimate benefit of the turnpike system. In no case shall the temporary rate be established for more than 1 year. The requirements of this subsection shall not apply when the application of such requirements would violate any covenant established in a resolution or trust indenture relating to the issuance of turnpike bonds.

(2) When bonds are outstanding which have been issued to finance or refinance any turnpike project, the tolls and all other revenues derived from the turnpike system and pledged to such bonds shall be set aside as may be provided in the resolution authorizing the issuance of such bonds or the trust agreement securing the same. The tolls or other revenues or other moneys so pledged and thereafter received by the department are immediately subject to the lien of such pledge without any physical delivery thereof or further act. The lien of any such pledge is valid and binding as against all parties having claims of any kind in tort or contract or otherwise against the department irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the department.

(3) In each fiscal year while any of the bonds of the Broward County Expressway Authority series 1984 and series 1986-A remain outstanding, the department is authorized to pledge revenues from the turnpike system to the payment of principal and interest of such series of bonds, and the operation and maintenance expenses of the Sawgrass Expressway, to the extent gross toll revenues of the Sawgrass Expressway are insufficient to make such payments. The terms of an agreement relative to the pledge of turnpike system revenue will be negotiated with the parties of the 1984 and 1986 Broward County Expressway Authority lease-purchase agreements, and subject to the covenants of those agreements. The agreement shall establish that the Sawgrass Expressway shall be subject to the planning, management, and operating control of the department limited only by the terms of the lease-purchase agreements. The department shall provide for the payment of operation and maintenance expenses of the Sawgrass Expressway until such agreement is in effect. This pledge of turnpike system revenues shall be subordinate to the debt service requirements of any future issue of turnpike bonds, the payment of turnpike system operation and maintenance expenses, and subject to provisions of any subsequent resolution or trust indenture relating to the issuance of such turnpike bonds.

(4) The use and disposition of revenues pledged to bonds are subject to the provisions of ss. 338.22-338.244 and such regulations as the resolution authorizing the issuance of such bonds or such trust agreement may provide.

Section 39. Subsections (4) and (6) of section 338.251, Florida Statutes, are amended, present subsection (7) is renumbered as subsection (9), and new subsections (7) and (8) are added to said section to read:

338.251 Toll Facilities Revolving Trust Fund.—The Toll Facilities Revolving Trust Fund is hereby created for the purpose of encouraging the development and enhancing the financial feasibility of revenue-producing road projects undertaken by local governmental entities in a county or combination of contiguous counties.

(4) Each advance pursuant to this section shall require repayment out of the initial bond issue revenue or, at the discretion of the governmental entity of the facility, *repayment may begin no later than within 7 years after the date of the advance if repayment is completed no later*



than 12 years after the date of the advance. However, such election shall be made at the time of the initial bond issue, and, if repayment is to be made during the time 7-year period referred to in this subsection, a schedule of such repayment shall be submitted to the department. ~~All repayments shall include interest charged at the average compound rate earned by the state treasury in the year preceding that of the current payment due.~~

(6) The department may advance funds sufficient to defray shortages in toll revenues of facilities receiving funds pursuant to this section for the first 5 years of operation, up to a maximum of \$5 million per year, to be reimbursed to this fund within 5 years of the last advance hereunder. ~~All repayments shall include interest charged at the average compound rate earned by the state treasury in the year preceding that of the current payment due.~~ Any advance under this provision shall require specific appropriation by the Legislature.

(7) *An expressway authority, county, or other local governmental entity is not eligible to receive any advance under this section if the expressway authority, county, or other local governmental entity has failed to repay any previous advances as required by law or by agreement with the department.*

(8) *Any repayment of prior or future advances made from the State Transportation Trust Fund which were used to fund any project phase of a toll facility shall be deposited in the Toll Facilities Revolving Trust Fund. However, when funds advanced to the Seminole County Expressway Authority pursuant to this section are repaid to the Toll Facilities Revolving Trust Fund by or on behalf of the Seminole County Expressway Authority, those funds shall thereupon and forthwith be appropriated for and advanced to the Seminole County Expressway Authority for funding the design of and the advanced right-of-way acquisition for that segment of the Seminole County Expressway extending from U.S. Highway 17/92 to Interstate Highway 4.*

Section 40. Short title.—Sections 40 through 51 of this act may be cited as the “Florida Expressway Authority Act.”

Section 41. Definitions.—As used in the Florida Expressway Authority Act, the term:

(1) “Agency of the state” means and includes the state and any department of, or corporation, agency, or instrumentality heretofore or hereafter created, designated, or established by, the state.

(2) “Authority” means an expressway authority established pursuant to the Florida Expressway Authority Act.

(3) “Bonds” means and includes the notes, bonds, refunding bonds, or other evidences of indebtedness or obligations, in either temporary or definitive form, which an authority issues pursuant to the Florida Expressway Authority Act.

(4) “County gasoline tax funds” means all the 80-percent surplus gasoline tax funds accruing in each year to the department for use within the geographic boundaries of an expressway authority established pursuant to the Florida Expressway Authority Act under the provisions of s. 9, Art. XII of the State Constitution, after deduction only of any amounts of such gasoline tax funds heretofore pledged by the department or a county for outstanding obligations.

(5) “Department” means the Department of Transportation.

(6) “Division” means the Division of Bond Finance of the Department of General Services.

(7) “Express written consent” means prior express written consent given in the form of a resolution adopted by a board of county commissioners.

(8) “Expressway” means a street or highway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no right or easement or only a limited right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason. Such highways or streets may be parkways from which trucks, buses, and other commercial vehicles are excluded; or they may be freeways open to use by all customary forms of street and highway traffic.

(9) “Expressway system” means any and all expressways within the geographic boundaries of an expressway authority established pursuant to the Florida Expressway Authority Act and appurtenant facilities thereto, including, but not limited to, all approaches, roads, bridges, and avenues of access for such expressway.

(10) “Federal agency” means and includes the United States, the President of the United States, and any department of, or corporation, agency, or instrumentality heretofore or hereafter created, designated, or established by, the United States.

(11) “Lease-purchase agreement” means a lease-purchase agreement which an authority may enter with the department pursuant to the Florida Expressway Authority Act.

#### Section 42. Expressway authority; formation; membership.—

(1) Any county, or two or more contiguous counties located within a single district of the department, may, by resolution adopted by the board of county commissioners, form an expressway authority pursuant to the Florida Expressway Authority Act.

(2) The governing body of an authority shall consist of not fewer than five nor more than nine members. Each member of the governing body must at all times during his term of office be a permanent resident of the county which he is appointed to represent.

(a) Two members of the authority shall be appointed for terms of 4 years by the Governor, subject to confirmation by the Senate. Such persons may not hold elective office during their terms of office.

(b) For a single-county authority, the remaining members shall be appointed by the board of county commissioners for terms of 3 years.

(c) For a multicounty authority, the remaining members shall be apportioned, based on the population of such counties, among the counties within the authority. Each such member shall be appointed by the applicable board of county commissioners for a term of 3 years.

(3)(a) The governing body of each authority shall elect one of its members as its chairman and shall elect a secretary and a treasurer who need not be members of the authority. The chairman, secretary, and treasurer shall hold their offices at the will of the authority. A simple majority of the governing body of the authority constitutes a quorum and the vote of a majority of those members present is necessary for the governing body to take any action. A vacancy on an authority shall not impair the right of a quorum of the authority to exercise all of the rights and perform all of the duties of the authority.

(b) Upon the effective date of his appointment, or as soon thereafter as practicable, each appointed member of an authority shall enter upon his duties.

(4)(a) An authority may employ an executive secretary, an executive director, its own counsel and legal staff, technical experts, and such engineers and employees, permanent or temporary, as it may require and shall determine the qualifications and fix the compensation of such persons, firms, or corporations. An authority may employ a fiscal agent or agents; however, the authority must solicit sealed proposals from at least three persons, firms, or corporations for the performance of any services as fiscal agents. An authority may delegate to one or more of its agents or employees such of its power as it deems necessary to carry out the purposes of the Florida Expressway Authority Act, subject always to the supervision and control of the authority. Members of an authority may be removed from office by the Governor for misconduct, malfeasance, misfeasance, or nonfeasance in office.

(b) Members of an authority are entitled to receive from the authority their travel and other necessary expenses incurred in connection with the business of the authority as provided in section 112.061, Florida Statutes, but they may not draw salaries or other compensation.

#### Section 43. Purposes and powers.—

(1)(a) An authority created and established pursuant to the Florida Expressway Authority Act may acquire, hold, construct, improve, maintain, operate, own, and lease an expressway system.

(b) Each authority, in the construction of an expressway system, shall construct expressways. Construction of an expressway system may be completed in segments, phases, or stages, in a manner which will permit the expansion of these segments, phases, or stages to the desired expressway configuration. Each authority, in the construction of an expressway system, may construct any extensions of, additions to, or improvements to, the expressway system or appurtenant facilities, including all necessary approaches, roads, bridges, and avenues of access, with such changes, modifications, or revisions of the project that are deemed desirable and proper. An authority may only add additional expressways to an express-

way system, under the terms and conditions set forth in the Florida Expressway Authority Act, with the prior express written consent of the board of county commissioners of each county located within the geographic boundaries of the authority, and only if such additional expressways lack adequate committed funding for implementation, are financially feasible, and are compatible with the existing plans, projects, and programs of the authority.

(2) Each authority may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of its purposes, including, but not limited to, the following rights and powers:

(a) To sue and be sued, implead and be impleaded, and complain and defend in all courts.

(b) To adopt, use, and alter at will a corporate seal.

(c) To acquire, purchase, hold, lease as lessee, and use any franchise or property, real, personal, or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the authority and to sell, lease as lessor, transfer, and dispose of any property or interest therein at any time acquired by it.

(d) To enter into and make leases, either as lessee or as lessor, in order to carry out the right to lease as set forth in the Florida Expressway Authority Act.

(e) To enter into and make lease-purchase agreements with the department until any bonds secured by a pledge of rentals thereunder, and any refundings thereof, are fully paid as to both principal and interest.

(f) To fix, alter, charge, establish, and collect tolls, rates, fees, rentals, and other charges for the services and facilities system, which tolls, rates, fees, rentals, and other charges must always be sufficient to comply with any covenants made with the holders of any bonds issued pursuant to the Florida Expressway Authority Act. However, such right and power may be assigned or delegated by the authority to the department.

(g) To borrow money as provided by the State Bond Act. An authority shall reimburse a county for any sums expended, together with interest at the highest rate applicable to the bonds of the authority for which the sums were required, from the county gasoline tax funds for payment of the bonds.

(h) To enter contracts and to execute all instruments necessary or convenient for the carrying on of its business.

(i) Without limitation of the foregoing, to borrow money and accept grants from, and to enter into contracts, leases, or other transactions with, any federal agency, the state, any agency of the state, county, or any other public body of the state.

(j) To have the power of eminent domain, including the procedural powers granted under chapters 73 and 74, Florida Statutes.

(k) To pledge, hypothecate, or otherwise encumber all or any part of the revenues, tolls, rates, fees, rentals, or other charges or receipts of the authority, including all or any portion of county gasoline tax funds received by the authority pursuant to the terms of any lease-purchase agreement between the authority and the department, as security for all or any of the obligations of the authority.

(l) To do all acts and things necessary or convenient for the conduct of its business and the general welfare of the authority in order to carry out the powers granted to it by law.

(3) Any provision of law to the contrary notwithstanding, the consent of any municipality is not necessary for any project of an existing or new authority, whether or not the project lies in whole or in part within the boundaries of the municipality, if the project is consistent with the locally adopted comprehensive plan. However, if a project is inconsistent with the affected municipal comprehensive plan, the project may not proceed without a hearing pursuant to s. 120.57, Florida Statutes, at which it is determined that the project is consistent with the adopted metropolitan planning organization plan, if any, and the applicable regional comprehensive plan, and at which regional interests are determined to clearly override the interests of the municipality.

(4) The use or pledge of all or any portion of county gasoline tax funds may not be made without the prior express written consent of the board of county commissioners of each county located within the geographic boundaries of the authority.

Section 44. Bonds.—Bonds may be issued on behalf of an authority as provided by the State Bond Act.

Section 45. Lease-purchase agreement.—

(1) In order to effectuate the purposes of the Florida Expressway Authority Act, an authority may enter into a lease-purchase agreement with the department relating to and covering an expressway system.

(2) The lease-purchase agreement must provide for the leasing of the expressway system by the authority, as lessor, to the department, as lessee, and must prescribe the terms of such lease and the fees to be paid thereunder.

(3) The lease-purchase agreement may include such other provisions, agreements, and covenants as the authority and the department deem advisable or required, including, but not limited to, provisions as to the bonds to be issued under and for the purposes of the Florida Expressway Authority Act; the completion, extension, improvement, operation, and maintenance of the expressway system and the expenses and cost of operation of the authority; the charging and collection of tolls, rates, fees, rentals, or other charges for the use of the services and facilities thereof; the application of federal or state grants or aid which may be made or given to assist the authority in the completion, extension, improvement, operation, and maintenance of the expressway system, which the authority is authorized to accept and apply to such purposes; the enforcement of payment and collection of tolls, rates, fees, and rentals; and any other terms, provisions, or covenants necessary, incidental, or appurtenant to the making of, and full performance under, such lease-purchase agreement.

(4) Upon the faithful performance thereunder and the termination of such lease-purchase agreement, title in fee simple absolute shall be transferred in accordance with law by the authority to the state. At this point, the department, at its discretion, may provide that any toll, rate, fee, or rental collected may be continued.

(5) The department, as lessee under such lease-purchase agreement, may pay, as rentals thereunder, any tolls, rates, fees, charges, funds, moneys, receipts, or income accruing to the department from the operation of the expressway system and from county gasoline tax funds and may also pay, as rentals, any appropriations received by the department pursuant to any act of the Legislature heretofore or hereafter enacted wherein the appropriations are expressly authorized to be used as rentals for the expressway system.

(6) County gasoline tax funds may not be pledged as rentals under such lease-purchase agreement without the consent of each county located within the geographic boundaries of the authority, evidenced by a resolution duly adopted by the board of county commissioners of each such county at a public hearing held pursuant to due notice thereof published in a newspaper of general circulation in the county at least once a week for 3 consecutive weeks before the hearing. The resolution, among other things, must provide that any excess of the pledged gasoline tax funds which is not required for debt service, or reserves for such debt service, for any bonds issued by the authority be returned annually to the department for distribution to the county as provided by law.

(7) The department may covenant in any lease-purchase agreement that it will pay all or any part of the cost of the operation or maintenance of an expressway system.

(8) Each expressway system shall be a part of the State Highway System as defined in section 334.03, Florida Statutes, and the department may, upon the request of an authority, expend, out of any funds available for the purpose, such moneys, and use such of its engineering and other forces as may be necessary and desirable in the judgment of the department, for the operation of the authority and for traffic surveys, borings, surveys, preparation of plans and specifications, estimates of cost, and other preliminary engineering and other studies.

Section 46. Department may be appointed agent of division for construction.—The department may be appointed by the division as its agent for the purpose of constructing improvements and extensions to an expressway system and for the completion thereof. In such event, the division shall provide the department with complete copies of all documents, agreements, resolutions, contracts, and instruments relating thereto; shall request the department to do such construction work, including the planning, surveying, and actual construction of the completion, extensions, and improvements to the expressway system; and shall

transfer to the credit of an account of the department in the State Treasury the necessary funds therefor. The department shall thereupon proceed with such construction and use the funds for such purpose in the same manner as it is now authorized to use the funds otherwise provided by law for its use in the construction of roads and bridges.

Section 47. Acquisition of lands and property.—

(1) For the purposes of the Florida Expressway Authority Act, an expressway authority may acquire private or public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings, as the authority may deem necessary for any of the purposes of the Florida Expressway Authority Act, including, but not limited to, any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access is impaired due to the construction of an expressway system, and replacement rights-of-way for relocated rail and utility facilities; for existing, proposed, or anticipated transportation facilities on the expressway system or in a transportation corridor designated by the authority; or for the purposes of screening, relocation, removal, or disposal of junkyards and scrap metal processing facilities. The authority may also condemn any material and property necessary for such purposes.

(2) In the acquisition of land and property, an authority may acquire an entire lot, block, or tract of land if, by so doing, the acquisition costs to the authority will be equal to or less than the cost of acquiring a portion of the property. This subsection is a specific recognition by the Legislature that this means of limiting the rising costs of such property acquisition is a public purpose and that, without this limitation, the viability of many public projects will be threatened.

(3) The right of eminent domain conferred by the Florida Expressway Authority Act must be exercised by each authority in the manner provided by law.

(4) When an authority acquires property for an expressway system or in a transportation corridor as defined in section 334.03, Florida Statutes, it is not subject to any liability imposed by chapter 376, Florida Statutes, or chapter 403, Florida Statutes, for preexisting soil or groundwater contamination due solely to its ownership. This subsection does not affect the rights or liabilities of any past or future owners of the acquired property nor does it affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source. An authority and the Department of Environmental Regulation may enter into interagency agreements for the performance, funding, and reimbursement of the investigative and remedial acts necessary for property acquired by the authority.

Section 48. Cooperation with other units, boards, agencies, and individuals.—Express authority and power is given and granted to any county, municipality, drainage district, road and bridge district, school district, or other political subdivision, board, commission, or individual in or of this state to enter into contracts, leases, conveyances, or other agreements within the provisions and purposes of the Florida Expressway Authority Act with an authority. An authority may enter into contracts, leases, conveyances, and other agreements, to the extent consistent with chapters 334, 335, 338, 339, and 340, Florida Statutes, and other provisions of the laws of the state and with 23 U.S.C. ss. 101 et seq., with any political subdivision, agency, or instrumentality of the state and any and all federal agencies, corporations, and individuals, for the purpose of carrying out the provisions of the Florida Expressway Authority Act.

Section 49. Covenant of the state.—The state does hereby pledge to, and agrees with, any person, firm, corporation, or federal or state agency subscribing to or acquiring the bonds to be issued by an authority for the purposes of the Florida Expressway Authority Act that the state will not limit or alter the rights hereby vested in an authority and the department until all bonds at any time issued, together with the interest thereon, are fully paid and discharged, insofar as the same affects the rights of the holders of bonds issued hereunder. The state does further pledge to, and agrees with, the United States that, in the event any federal agency constructs, or contributes any funds for the completion, extension, or improvement of, an expressway system or any part or portion thereof, the state will not alter or limit the rights and powers of an authority and the department in any manner which would be inconsistent with the continued maintenance and operation of the expressway system or the completion, extension, or improvement thereof or which would be inconsistent

with the due performance of any agreement between the authority and any such federal agency, and the authority and the department shall continue to have and may exercise all powers granted so long as the same shall be necessary or desirable for carrying out the purposes of the Florida Expressway Authority Act and the purposes of the United States in the completion, extension, or improvement of the expressway system or any part or portion thereof.

Section 50. Exemption from taxation.—The effectuation of the authorized purposes of an expressway authority is in all respects for the benefit of the people of the state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions. For this reason, each authority is not required to pay any taxes or assessments of any kind or nature whatsoever upon any property acquired by it or used by it for such purposes or upon any revenues at any time received by it. The bonds issued on behalf of an authority, their transfer, and the income therefrom, including any profits made on the sale thereof, are exempt from taxation of any kind by the state or by any political subdivision or other taxing agency or instrumentality thereof. The exemption granted by this section does not apply to any tax imposed under chapter 220, Florida Statutes, on interest, income, or profits on debt obligations owned by corporations.

Section 51. The Florida Expressway Authority Act does not apply in a county in which an expressway authority has been created pursuant to parts I through X of chapter 348, Florida Statutes, or in which a transportation authority has been created pursuant to chapter 349, Florida Statutes.

Section 52. Section 337.276, Florida Statutes, is created to read:

337.276 Advanced acquisition of right-of-way.—

(1) The department shall identify right-of-way parcels for acquisition as far in advance of project construction as is practical, including right-of-way necessary for intersection improvements and grade separations, and shall include in the tentative work program specific allocations of funds from bond proceeds and other department revenues for advanced right-of-way acquisition in each fiscal year.

(2) The amounts allocated for advanced right-of-way acquisition shall be divided between the following programs:

(a) A program for acquiring rights-of-way necessary to support project construction phases planned 3 years to 4 years from the date of the acquisition.

(b) A program for acquiring rights-of-way necessary for future transportation corridors and for which construction phases are planned a minimum of 5 years from the date of acquisition for projects which are on or to be included in the Florida Intrastate Highway System.

(3) The Division of Bond Finance of the Department of General Services is authorized to issue state bonds in an amount not to exceed a total of \$500 million on behalf of the department to finance right-of-way land acquisition in accordance with s. 215.605. The proceeds from the sale of these bonds shall be allocated by the department only to fund advanced right-of-way projects identified pursuant to the programs contained in subsection (2). No more than \$300 million of the bond proceeds may be allocated to fund projects identified pursuant to the program contained in paragraph (2)(a), and no more than \$200 million of the bond proceeds may be allocated to fund projects identified pursuant to the program contained in paragraph (2)(b).

Section 53. Subsection (1) of section 335.185, Florida Statutes, 1988 Supplement, is amended to read:

335.185 Permit conditions; expiration.—

(1) The permitting authority may issue a permit subject to any conditions necessary to carry out the provisions of this act, including, but not limited to, requiring the use of a joint-use connection *in order to assure the safe and efficient use of the State Highway System*. The permitting authority may revoke a permit if the applicant fails to comply with the conditions upon which the issuance of the permit was predicated.

Section 54. Section 73.091, Florida Statutes, is amended to read:

73.091 Costs of the proceedings.—Except as provided in s. 73.092(7), the petitioner shall pay all reasonable costs of the proceedings in the circuit court, including, but not limited to, a reasonable attorney's fee, reasonable appraisal fees, and, when business damages are compensable, a reasonable accountant's fee, to be assessed by that court.

Section 55. Section 73.032, Florida Statutes, is created to read:

73.032 Offer of judgment.—

(1) The petitioner may serve a defendant with an offer of judgment in eminent domain proceedings no sooner than 120 days after the defendant has filed an answer and no later than 60 days prior to trial.

(a) The offer of judgment must:

1. Be in writing;
2. Settle all pending claims with the defendant exclusive of attorney's fees and costs;
3. State that the offer is made pursuant to this section;
4. Name the defendants to whom the offer is made;
5. Briefly summarize any relevant conditions;
6. State the total amount of the offer; and
7. Include a certificate of service on all parties.

(b) The offer of judgment must be served upon the defendants to whom it is made, but may not be filed unless it is accepted or unless filing is necessary to enforce this section.

(c) The offer of judgment shall be deemed rejected unless accepted by filing both a written acceptance and the written offer with the court within 30 days after service of the offer. Upon proper filing of both the offer and acceptance, the court shall enter judgment thereon. A rejection of an offer terminates the offer.

(d) The petitioner may withdraw the offer in a writing served on the defendant before a written acceptance is served on the petitioner. Once withdrawn in this manner, an offer is void.

(2) At the time an offer of judgment is made by the petitioner, the petitioner shall identify and make available to the defendant the construction plans for the project on which the offer is based.

Section 56. Section 73.092, Florida Statutes, is amended to read:

73.092 Attorney's fees.—

(1) In assessing attorney's fees in eminent domain proceedings, the court shall give greatest weight to the consideration:

(1) benefits resulting to the client from the services rendered. However, under no circumstances shall the attorney's fees be based solely on a percentage of the award.

(a) As used in this section, the term "benefits" means the difference between the final judgment or settlement and the last written offer made by the condemning authority before the defendant hires an attorney. If no offer is made by the condemning authority before the defendant hires an attorney, benefits must be measured from the first written offer after the attorney is hired.

1. In determining attorney's fees in prelitigation negotiations, benefits do not include amounts awarded for business damages unless the business owner provided financial records to the condemning authority, upon request, prior to litigation.

2. In determining attorney's fees subsequent to the filing of litigation, if financial records are not provided to the condemning authority prior to litigation, benefits for amounts awarded for business damages must be based on the first written offer made by the condemning authority within 120 days after the filing of the eminent domain action. If the condemning authority makes no offer to the defendant for business damages within 120 days after the filing of the eminent domain action, benefits for amounts awarded for business damages must be based on the difference between the final judgment or settlement and the last written offer made by the condemning authority before the defendant hired an attorney.

(b) The court may also consider nonmonetary benefits which the attorney obtains for the client.

(2) In assessing attorney's fees in eminent domain proceedings, the court shall give secondary consideration to:

(a) The novelty, difficulty, and importance of the questions involved.

(b)(3) The skill employed by the attorney in conducting the cause.

(c)(4) The amount of money involved.

(d)(5) The responsibility incurred and fulfilled by the attorney.

(e)(6) The attorney's time and labor reasonably required adequately to represent the client in relation to the benefits resulting to the client.

(3) At least 30 days prior to a hearing to assess attorney's fees under this section, the condemnee's attorney shall submit to the condemning authority and to the court complete time records and a detailed statement of services rendered by date, nature of services performed, time spent performing such services, and costs incurred at least 30 days prior to a hearing to assess attorney's fees under this section.

(4) In determining the amount of attorney's fees to be paid by the petitioner, the court shall be guided by the fees the defendant would ordinarily be expected to pay if the petitioner were not responsible for the payment of fees and costs.

(5) The amount of attorney's fees to be paid by the defendant pursuant to a fee agreement entered into between the defendant and his attorney must be reduced by the amount of any attorney's fees awarded by the court.

(6)(7) Notwithstanding any other provision of law, if Where an offer of judgment made by the petitioner, pursuant to s. 73.032 the Florida Rules of Civil Procedure, is either rejected or expires and the verdict or judgment is less than or equal to the offer of judgment, no attorney's fees or costs shall be awarded for time spent by the attorney or costs incurred after the time of rejection or expiration of the offer, except for apportionment or other supplemental proceedings. Where an offer of judgment is accepted or the verdict exceeds the offer of judgment, attorney's fees and costs shall be determined in accordance with subsections (1)–(6). An offer of judgment shall not be made by the petitioner until the expiration of 180 days from the filing date of a petition under this chapter or chapter 74.

(8) The offer of judgment shall be accepted or rejected within 30 days, or at such other time as the court shall provide, or it shall be deemed to be rejected.

(9) For the purposes of Florida Rule of Civil Procedure 1.442, a condemning authority shall be considered a party defending against a claim at any time after the entry of an order of taking in any condemnation action.

Section 57. Section 337.271, Florida Statutes, 1988 Supplement, is amended to read:

337.271 Negotiations for acquisitions.—

(1) The department shall negotiate in good faith with the owner of a parcel to be acquired and shall attempt to arrive at an agreed amount of compensation to be paid for the parcel.

(2) At the inception of negotiation for acquisition, the department shall notify the fee owner of the following:

(a) That all or a portion of his property is necessary for a transportation facility or transportation corridor;

(b) The nature of the project for which the parcel is deemed necessary, the project number, and the parcel designation of the property to be acquired;

(c) The district office of the department from which the owner may obtain right-of-way maps reflecting the proposed taking;

(d) The fee owner's statutory rights under ss. 73.091 and 73.092; and

(e) The fee owner's rights and responsibilities under subsections (3), (4), (5), and (6).

(3) The notice shall be sent by certified mail, return receipt requested, to the fee owner's last known address listed on the county ad valorem tax roll. Notice to one owner constitutes notice to all owners on multiple-ownership property. The return of the notice as undeliverable by the postal authorities constitutes compliance with this provision. The department is not required to give notice to a person who acquires title to the property subsequent to the notice required by this section.

(4) The fee owner may, within 120 days after receipt of the notice required by subsection (2) or at a later date specified by the department, submit a complete appraisal report relating to the parcel to be acquired. The fee owner may waive his right to the 120 days to obtain an appraisal by providing the department with written notice of such waiver. If a report is submitted, it shall contain all data and information upon which the appraiser's conclusions are based and shall be prepared by an appraiser who has been qualified by the department or who has been qualified and accepted as an expert real estate appraiser in an eminent domain proceeding in this state within the prior 3 years. Such appraiser ~~must~~ shall be actively registered with the Florida Real Estate Commission as a real estate broker or salesman. A list of those appraisers currently qualified by the department shall be attached to the letter submitted to the fee owner. On multiple-ownership property, the fee owner is collectively entitled to only one appraisal report.

(5) If the business owner intends to claim business damages pursuant to s. 73.071(3)(b), he may, within 120 days after receipt of the notice required by subsection (2) or at a later time specified by the department, submit to the department a complete estimate of business damages to the property. The fee owner may waive his right to the 120 days to obtain an estimate of business damages by providing the department with written notice of such waiver. If an estimate is submitted, it shall explain the nature and extent of such damages and shall be prepared by either the owner or a certified public accountant. If the business owner elects to submit an estimate of business damages to the department, he shall also permit the department to copy and examine, at the owner's convenience, such of his business records as the department determines to be necessary for it to arrive at an estimate of business damages.

(6) Upon submission of an invoice which complies with the requirements of this subsection, the department shall pay all reasonable costs, including reasonable attorney's fees, incurred on behalf of a property owner who proceeds to prelitigation negotiation settlement pursuant to the provisions of this section. The attorney's fees shall be based upon the criteria of s. 73.092. The invoice shall ~~include complete time records and a detailed statement of services performed and time spent performing state the nature of the services performed by date, the number of hours expended by date, and the hourly rate for such services.~~ Reasonable appraisal or accountant fees as authorized by this section shall not exceed the general or customary hourly rate for appraisal or accounting fees in the community. If the parties cannot agree on the amount of costs and attorney's fees to be paid by the department, the property owner may file a complaint in the circuit court in the county where the property is located to recover reasonable attorney's fees and costs.

(7) Within 30 days after receipt of the fee owner's appraisal report and the estimate of business damages if submitted, the department shall submit to the owner all appraisal reports prepared for the department which relate to the owner's parcel and any estimate of business damages prepared.

~~(8) The department or the fee owner may use any statement by the other's appraiser or accountant relating to facts or conclusions used in arriving at such appraiser's or accountant's estimate of value or damages.~~

(8)(9) After receipt of the appraisal report prepared for the fee owner and the estimate of business damages if submitted, the department shall make an offer of purchase to the fee owner and business owner, if any, which includes the value of the land and improvements taken and any business or severance damages.

(9) After exchanging appraisal reports and business damage reports, the parties may jointly agree to submit the compensation and business damage claims to nonbinding mediation. The mediation may be held after the eminent domain action is filed, if the department must file the action to meet construction schedules. The parties shall agree upon a mediator certified by the circuit court in the circuit in which the property is located.

(10) If the department agrees to mediation, the fee owner or business owner may submit to the department an invoice, which complies with this section, for payment for the appraisal reports, business damage reports, and other reasonable costs. Upon receipt of such invoice, the department shall promptly pay a reasonable appraisal fee, reasonable accountant's fee, and other reasonable costs. If the parties cannot agree on the amount of costs to be paid by the department, the property owner may file a complaint in the circuit court in the county in which the property is located to recover reasonable costs.

~~(11)(10) Evidence of negotiations, or evidence of any written or oral statements used in mediation, conducted by the parties pursuant to this section is shall not be admissible in any subsequent proceeding.~~

~~(11) The department may adopt rules to implement this section.~~

Section 58. Sections 54 through 57 of this act apply only to fee arrangements entered into or actions filed after the effective date of this act.

Section 59. Section 339.12, Florida Statutes, as amended by section 2 of chapter 89-160, Laws of Florida, and section 14 of chapter 89-301, Laws of Florida, is amended to read:

339.12 Aid and contributions by governmental entities for rights-of-way, construction, or maintenance of roads in State Highway System; federal aid.—

(1) Any governmental entity may aid in any project or project phase, including, but not limited to, preliminary engineering, design, acquisition of rights-of-way, construction, or maintenance of any road on the State Highway System, by contributions to the department of cash, bond proceeds, time warrants, or other goods or services of value.

(2) The department may accept and receive any such aid and contributions and dispose of and use the same for any project or project phase, including, but not limited to, preliminary engineering, design, acquisition of rights-of-way, construction, or maintenance of such state roads. The Executive Office of the Governor is authorized to amend the department's budget ~~of the department~~ and adopted work program in the appropriate categories ~~so as to authorize the department~~ to utilize contributions received.

(3) In case any such aid or contribution is given or made by any ~~governmental entity county, municipality, or special road and bridge district~~, such aid or contribution shall be used by the department only for the project or project phase or maintenance of such state roads ~~in the county, municipality, or special road and bridge district~~ as are designated and agreed upon by the department and the governing body of the ~~governmental entity~~ officials of such county, municipality, or special road and bridge district.

(4) ~~Prior to~~ Upon accepting the contribution of road bond proceeds, time warrants, or cash for which reimbursement is sought, the department shall enter into agreements with ~~the commissioners of the county, the governing body of the governmental entity municipality, or the trustees of the special road and bridge district in which such road bonds have been voted by the people, for the project or project phase of the roads and bridges in accordance with specifications agreed upon between the department and the commissioners of such county, the governing body of the governmental entity such municipality, or the trustees of such district. The department shall receive from such county or municipality, in consideration thereof, the net proceeds of the sale of the bonds so voted, after deducting expenses and the commission on the sale and administration of such bonds.~~ The department in no instance is to receive from such governmental entity county or municipality an amount in excess of the actual cost of the project or project phase of such state roads. By specific provision in the written agreement between the department and the governing body of the governmental entity county or municipality, the department may agree to reimburse the governmental entity county or municipality for the actual full amount of the bond proceeds, time warrants, or cash used on a project or project phases in the State Highway System that are not revenue-producing and are contained in the department's adopted work program. Subject to appropriation of funds by the Legislature, the department may commit state funds for reimbursement of such projects or project phases in the State Highway System. Reimbursement to the governmental entity county or municipality for such a project or project phases must be made from funds appropriated by the Legislature and reimbursement for the entire cost of the project or project phase is to begin in the year the project or project phase was originally scheduled. Funds so reimbursed shall be used by the governmental entity ~~county or municipality~~ for any transportation expenditure authorized under s. 336.025(7).

(5) The department and the governing body of a governmental entity may enter into an agreement by which the governmental entity agrees to perform a project or project phase in the department's adopted work program for a road in the State Highway System that is not revenue-producing. By specific provision in the written agreement between the department and the governing body of the governmental



entity, the department may agree to reimburse the governmental entity for the actual cost of preliminary engineering, project design, acquisition of the right-of-way necessary for the project, construction engineering inspection, or the construction contract for the project or project phase contained in the adopted work program. Reimbursement to the governmental entity for such project or project phase must be made from funds appropriated by the Legislature, and reimbursement for the cost of the project or project phase is to begin in the year the project or project phase was originally scheduled.

(6)(5) The department may propose and obtain the designation of any of the roads and bridges to be constructed as a federal-aid project and obtain reimbursement from the United States in accordance with existing regulations.

(7)(6) The federal-aid money obtained under subsection (6)(5) shall first be applied to the completion of the roads for which the bonds have been voted, if the money from the bonds is not sufficient therefor; and any residue shall be expended in the acquisition of rights-of-way or the construction of any state road that the department and the commissioners of the county or the governing body of the governmental entity municipality may agree upon.

Section 60. Subsection (12) of section 335.20, Florida Statutes, is amended to read:

335.20 Short title; local government cooperative assistance program.—

(12) ~~The department shall provide 50 percent of the cost or 50 percent of the amount estimated in the adopted work program, whichever is less, to any project funded pursuant to this section. For a project to be eligible, the county or counties within which the project is located must provide 20 percent of the cost of any project funded pursuant to this section, provided that the applying county has adopted, the county within which the applying municipality is located has adopted, or the county or counties wherein the applying expressway or transportation authority has jurisdiction have adopted at least 4 cents of the local option gas taxes on motor fuel and special fuel, as provided in s. 336.925. Local governments may use only the proceeds of the local option gas tax, or the proceeds of the bonds issued with a pledge of pledged by the local option gas tax, the proceeds of local option sales taxes authorized in s. 212.055, the proceeds of bonds issued with a pledge of the sales taxes authorized in s. 212.055, or any other revenues for matching purposes.~~

Section 61. Determination of roads of statewide or regional significance.—

(1) The department, in coordination with local governments, shall develop functional criteria to be used in determining whether a road is of statewide or regional significance. Such criteria shall include, but not be limited to, use of the road for:

- (a) Emergency evacuation;
- (b) Travel to and through urban areas;
- (c) National defense;
- (d) Interstate, interregional, and intercity commerce;
- (e) Access to airports, waterports, and major terminals or transfer facilities of other transportation modes; and
- (f) Access to public facilities serving a statewide or regional function.

In developing the criteria, the department shall hold a public hearing in at least one urbanized area in each of the departmental districts to take public testimony and hear suggestions for additional criteria.

(2) The proposed criteria developed pursuant to subsection (1) must be submitted to the Florida Transportation Commission on or before May 1, 1990, for its review and approval. Upon approval of the criteria by the commission on or before August 1, 1990, the department shall perform a reevaluation of all public roads using the approved criteria and shall propose a reclassification of roads. The reclassification proposal shall be submitted to the commission on or before August 1, 1991.

(3) The Florida Transportation Commission shall determine the fiscal impact of the proposed reclassification of roads upon the state and local governments and shall recommend a reasonable time for the phased

transfer of roads. In addition, the commission shall issue recommendations regarding prioritizing the maintenance and construction of roads based on the criteria developed pursuant to subsection (1). The commission shall report its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before January 15, 1992.

(4) The provisions of section 335.04, Florida Statutes, to the contrary notwithstanding, no transfers of roads shall be initiated after January 1, 1990.

Section 62. The Florida Transportation Commission shall perform an in-depth evaluation of the laws, rules, and procedures by which the department distributes transportation funds to the districts and by which districts distribute funds to the counties within districts. The commission shall report its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than March 16, 1990. In its report, the commission shall, at a minimum:

- (1) Evaluate the current statutory and administrative distribution methods;
- (2) Evaluate the current equity test contained in Rule 14-77, Florida Administrative Code; and
- (3) Recommend the method for distribution of transportation funds to the districts and to counties within districts that the commission considers to be in the best interest of the state's transportation system.

Section 63. Paragraph (a) of subsection (5) of section 120.53, Florida Statutes, 1988 Supplement, is amended to read:

120.53 Adoption of rules of procedure and public inspection.—

(5) An agency which enters into a contract pursuant to the provisions of ss. 282.301-282.313, chapter 255, chapter 287, or chapters 334-349 shall adopt rules specifying procedures for the resolution of protests arising from the contract bidding process. Such rules shall at least provide that:

(a) The agency shall provide notice of its decision or intended decision concerning a bid solicitation or a contract award as follows:

- 1. For a bid solicitation, notice of a decision or intended decision shall be given by United States mail or by hand delivery.
- 2. For any decision of the Division of Purchasing of the Department of General Services concerning a request by an agency for approval of an exceptional purchase under part I of chapter 287 and the rules of the Division of Purchasing, notice of a decision or intended decision shall be given by posting such notice in the office of the Division of Purchasing.
- 3. For any other agency decision, notice of a decision or intended decision shall be given either by posting the bid tabulation at the location where the bids were opened or by certified United States mail, return receipt requested. *The Department of Transportation may also provide notice by any other express delivery service.*

The notice required by this paragraph shall contain the following statement: "Failure to file a protest within the time prescribed in s. 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under chapter 120, Florida Statutes."

Section 64. Section 337.106, Florida Statutes, 1988 Supplement, is amended to read:

337.106 Professional service providers; requirement for professional liability insurance.—Any person or firm rendering technical, legal, architectural, engineering, or other professional services to the department shall have and maintain during the period the services are rendered a professional liability insurance policy or policies with a company or companies authorized to do business in the state, or, if such person or firm is a member of a group or association qualified to self-insure under the provisions of s. 627.356, a self-insurance program provided through establishment of a Professional Liability Risk Management Trust Fund pursuant to s. 627.356, affording professional liability coverage for the professional services rendered, in an amount deemed sufficient by the department. *The requirement for professional liability insurance set forth in this section may be waived by the department if the person or firm providing professional services obtains and maintains an unexpired, irrevocable letter of credit, established pursuant to chapter 675, in an amount not less than the minimum insurance coverage required*

by the contract with the department. The letter of credit shall be payable to the department as beneficiary upon presentment of a final judgment indicating liability and awarding damages to be paid to the department by the professional service provider or upon presentment of a settlement agreement signed by all parties. The letter of credit shall be nonassignable and nontransferable. The letter of credit shall be issued by any bank or savings association organized and existing under the laws of this state or any bank or savings association organized under the laws of the United States, that has its principal place of business in this state or has a branch office which is authorized under the laws of this state or of the United States to receive deposits in this state.

Section 65. Subsections (2), (3), and (7) of section 337.11, Florida Statutes, 1988 Supplement, as amended by chapters 89-160 and 89-301, Laws of Florida, are amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(2)(a) The department shall advertise for bids on all construction and maintenance contracts of \$250,000 or less ~~all work~~ at least once a week for no less than 2 consecutive weeks in some newspaper having a general circulation in the county where the proposed work is located. The first publication shall be no less than 14 days prior to the date on which bids are to be received, ~~and the second publication shall be no less than 7 days prior to the date on which bids are to be received.~~

(b) On all construction and maintenance contracts greater than \$250,000, the department shall provide a bid solicitation notice to all prequalified contractors at least 2 weeks before the date bids are scheduled to be received.

(c) No advertisement for bids shall be published and no bid solicitation notice shall be provided until title to all necessary rights-of-way and easements for the construction of the project covered by such advertisement or notice has vested in the state or a local governmental entity, and all railroad crossing and utility agreements have been executed. Title to all necessary rights-of-way shall be deemed to have been vested in the State of Florida when such title has been dedicated to the public or acquired by prescription.

(3)(a) The department may award the proposed work to the lowest responsible bidder, or it may reject all bids and proceed to rebid ~~readvertise~~ the work in accordance with subsection (2) or otherwise perform the work.

(b) Any person who files an action protesting a bid solicitation, a bid rejection, or an award pursuant to this section ~~paragraph (a)~~ shall post with the department, at the time of filing a notice of the formal written protest, a bond payable to the department in the following amounts:

1. For an action protesting a bid solicitation in which the lowest responsive bid exceeds \$250,000, the bond shall be \$5,000;

2. For an action protesting a bid rejection or contract award in which the lowest responsive bid exceeds \$250,000, the bond shall be ~~an amount~~ equal to 1 percent of the lowest bid submitted or \$5,000, whichever is greater.

3. For an action protesting a bid solicitation, bid rejection, or contract award in which the lowest responsive bid is \$250,000 or less, no bond shall be required.

(c) The bond required by this subsection ~~less, which bond~~ shall be conditioned upon the payment of all costs which may be adjudged against the person filing the protest ~~him~~ in the administrative hearing in which the action is brought and any subsequent appellate court proceeding. If, after completion of the administrative hearing process and any appellate court proceedings, the department prevails, it shall recover all costs and charges which shall be included in the final order or judgment, excluding attorney's fees. Upon payment of such costs and charges by the person filing the protest ~~protesting the award~~, the bond shall be returned to him. If the person filing the protest ~~protesting the award~~ prevails, he shall recover from the department all costs and charges which shall be included in the final order or judgment, excluding attorney's fees. The entire amount of the bond shall be forfeited if the hearing officer determines that a protest was filed for a frivolous or improper purpose, including, but not limited to, the purpose of harassing, causing unnecessary delay, or causing needless cost for the department or parties.

(d)(e) As an alternative to any provision in s. 120.53(5)(c), the department may proceed with the bid solicitation or contract award process when the head of the department sets forth in writing particular facts and circumstances which require the continuance of the bid solicitation process or the contract award process in order to avoid a substantial loss of funding to the state.

(e)(d) A person may not file a protest on any project for which he is not certified to bid pursuant to s. 337.14.

(7) The department shall preserve all records which reflect the quantities of materials used in the construction of any road project supervised by the department for a period of 3 5 years after final acceptance. This requirement is equally binding when materials are purchased by prime contractors or subcontractors.

Section 66. Subsection (1) of section 337.16, Florida Statutes, is amended to read:

337.16 Disqualification of delinquent contractors from bidding; denial, suspension, and revocation of certificates of qualification; grounds; hearing.—

(1) A contractor shall not be qualified to bid when an investigation by the department discloses that such contractor is delinquent on a previously awarded contract, and in such case his certificate of qualification shall be suspended or revoked. Any contractor whose certificate of qualification is suspended or revoked for delinquency shall also be disqualified as a subcontractor during the period of suspension or revocation, unless the prime contractor's bid has used prices of a subcontractor who becomes disqualified after the bid and before the request for authorization to sublet is presented.

(a) A contractor is delinquent when unsatisfactory progress is being made on a construction project or when the allowed contract time has expired and the contract work is not complete. Unsatisfactory progress shall be determined in accordance with the contract provisions.

(b) The department shall inform the contractor in writing of its intent to deny, suspend, or revoke his certificate of qualification to bid on work let by the department for delinquency and inform him of his right to a hearing, the procedure which must be followed, and the applicable time limits. If a hearing is requested within 10 days after the receipt of the notice of intent, the hearing shall be held within 30 days after receipt by the hearing officer of the request for the hearing. The recommended order shall be issued within 15 days after the hearing. The contractor's application for a certificate of qualification shall be denied or the contractor's current certificate of qualification shall be suspended for the number of days that it is administratively determined that the contractor was delinquent even if the delinquency is cured during the pendency of the hearing proceedings.

(c) In addition to the period of suspension required in paragraph (b), the department shall deny or suspend the certificate of qualification of such contractor in accordance with the following schedule: If a contractor has been suspended twice within an 18-month period, the period of suspension shall be 3 months; if such contractor has been suspended twice within a 24-month period, the period of suspension shall be 2 months; and, if such contractor has been suspended 3 times within a 30-month period, the period of suspension shall be 4 months. The department shall inform the contractor in writing of its intent to deny or suspend his certificate of qualification to bid on work let by the department and inform him of his right to a hearing, the procedure which must be followed, and the applicable time limits. If a hearing is requested within 10 days after the receipt of the notice of intent, the hearing shall be held within 30 days after receipt of the request for the hearing. Upon a determination that the contractor's certificate of qualification had been suspended for delinquency, it shall deny or suspend the certificate of the contractor as provided in this paragraph.

(d) Such suspension or revocation shall not affect the contractor's obligations under any preexisting contract.

Section 67. Section 337.175, Florida Statutes, is amended to read:

337.175 Retainage.—The department shall provide in its construction contracts for retaining a portion of the amount due a contractor for work that he has completed, until completion and final acceptance of the project by the department. Notwithstanding the provisions of s. 255.052, the department may not accept the substitution of securities for amounts retained on a construction contract. However, those contractors who have

completed department projects without being declared delinquent for the preceding 3 consecutive years shall be allowed to substitute securities, certificates of deposit, or irrevocable letters of credit in lieu of retainage.

Section 68. Subsection (4) of section 287.042, Florida Statutes, 1988 Supplement, as amended by section 10 of chapter 89-291, Laws of Florida, is amended to read:

287.042 Powers, duties, and functions.—The division shall have the following powers, duties, and functions:

(4) To establish a system of coordinated, uniform procurement policies, procedures, and practices to be used by agencies in acquiring commodities and contractual services, which shall include, but not be limited to:

(a) Development of a list of interested vendors to be maintained by classes of contractual services. This list shall not be used to prequalify vendors or to exclude any interested vendor from bidding. All vendors listed in a particular class shall be mailed, by the agency, at the address provided to the division by the vendor, a notice of the request for proposals at least 28 days prior to the date set for submittal of proposals. Notice of invitation to bid shall be mailed at least 10 days prior to the date set for submittal of bids.

(b) Development of procedures for the releasing of requests for proposals and invitations to bid, which procedures shall include, but not be limited to, publication in the Florida Administrative Weekly of notice for requests for proposals at least 28 days before the date set for submittal of proposals and publication of notice for invitations to bid at least 10 days before the date set for submission of bids.

(c) Development of procedures for the receipt and opening of bids or proposals by an agency.

(d) Development of procedures to be used by an agency in deciding to contract, including, but not limited to, identifying and assessing in writing project needs and requirements, availability of agency employees, budgetary constraints or availability, facility equipment availability, current and projected agency work load capabilities, and the ability of any other state agency to perform the services.

(e) Development of procedures to be used by an agency in maintaining a contract file for each contract which shall include, but not be limited to, all pertinent information relating to the contract during the preparatory stages, a copy of the invitation to bid or request for proposals, documentation relating to the bid process, opening of bids, evaluation and tabulation of bids, and determination and notice of award of contract.

(f) Development of procedures to be used by an agency in identifying commodities, contractual services, and construction contracts, except those construction contracts subject to the provisions of chapter 339, that could be provided by minority-owned firms or companies or minority persons. Each agency is encouraged to spend 15 percent of the moneys actually expended for commodities, contractual services, and construction during the previous fiscal year and reported to the Legislature pursuant to s. 216.023, for the purpose of entering into contracts with certified minority business enterprises as defined in s. 288.703(2) ~~this act~~. For the purposes of such contracts involving the Department of Transportation, "minority business enterprise" means any business concern which is organized to engage in commercial transactions, which is domiciled in this state, and which is at least 51 percent controlled by minority persons and the management and daily operations of which are controlled by such persons. Such enterprise may primarily involve the practice of a profession. "Minority person" has the same meaning as in s. 288.703(3).

Section 69. Paragraphs (a), (b), and (h) of subsection (4) of section 339.135, Florida Statutes, 1988 Supplement, as amended by section 4 of chapter 89-301, Laws of Florida, are amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

(a) To assure that no district or county is penalized for local efforts to improve the State Highway System, the department shall, for the purpose of developing a tentative work program, allocate funds for new con-

struction to the various districts based on equal parts of population and motor fuel tax collections. Funds for resurfacing, bridge repair and rehabilitation, public transit projects *except public transit block grants as provided in s. 341.052*, and other programs with quantitative needs assessments shall be allocated based on the results of these assessments. The department shall not transfer any funds allocated to a district under this paragraph to any other district except as provided in subsection (8). *Funds for public transit block grants shall be allocated to the districts pursuant to s. 341.052.*

(b)1. A tentative work program, including the ensuing fiscal year and the successive 4 fiscal years, shall be prepared for the State Transportation Trust Fund and other funds managed by the department, unless otherwise provided by law. The tentative work program shall be based on the district work programs and shall set forth all projects by phase to be undertaken during the ensuing fiscal year, and planned for the successive 4 fiscal years. The total amount of the liabilities accruing in each fiscal year of the tentative work program shall not exceed the revenues available for expenditure during the respective fiscal year based on the cash forecast for that respective fiscal year.

2. The tentative work program shall be developed in accordance with the program and resource plan of the Florida Transportation Plan required in s. 339.155(6)(a)6. and shall comply with the program funding levels contained in the program and resource plan. The department shall not in any year include any project or allocate any funds to a program or project in the tentative work program that is contrary to existing law for that particular year.

3. *The tentative work program must specifically identify advanced right-of-way acquisition projects and must contain segregated allocations of funds for advanced right-of-way acquisition phases in each fiscal year, as provided in s. 337.276. Each right-of-way phase that is to be funded through these programs must be specifically identified in the work program, and the year in which construction using the right-of-way is projected to begin must be identified.*

4.3. The department is authorized to include in the tentative work program proposed changes to the programs contained in the previous work program adopted pursuant to subsection (6); however, the department shall, to the maximum extent feasible, minimize changes and adjustments that affect the scheduling of project phases in the 4 common fiscal years contained in the previous adopted work program and the tentative work program. The department, in the development of the tentative work program, shall advance by 1 fiscal year all projects included in the second year of the previous year's adopted work program, unless the secretary specifically determines that it is necessary, for specific reasons, to reschedule or delete one or more projects from *such said year*. Any such changes and adjustments *must* ~~shall~~ be clearly identified and reflect the effect on the 4 common fiscal years contained in both the previous adopted work program and the tentative work program. It is the intent of the Legislature that the first 3 years of the adopted work program stand as the commitment of the state to undertake transportation projects that local governments may rely on for planning purposes and in the development and amendment of the capital improvements elements of their local government comprehensive plans.

5.4. The tentative work program *must* ~~shall~~ include a balanced 36-month forecast of cash and expenditures and a 5-year finance plan supporting the tentative work program.

(h) The department shall submit with its tentative work program a report that includes:

1. How its legislative budget request and tentative work program comply with the program objectives set forth in ~~s. section~~ 334.046 and compare to the needs quantified pursuant to s. 339.155(5).

2. How commitments from the prior fiscal year and the projection of the current fiscal year comply with those same program objectives.

3. An analysis of the variance between the dollars and numbers of projects committed in the most recently completed fiscal year and the adopted work program for that year and of the variance in projections for the current fiscal year and the current adopted work program. The analysis shall include the number and dollar amount of projects committed or projected to be committed in each year that were not in the adopted work program.

4. An analysis of the variance in the actual and planned construction contract time and the planned construction contract time for the most recently completed 6 quarters.

5. A comparison of the department's manpower utilization and the accomplishments of the department for the current fiscal year and the last completed fiscal year.

6. A summary of work program categories to show the amounts programmed in each appropriation category by district.

7. A manpower report that indicates the department's current production capacity and that projects the production capacity needed for each year of the tentative work program and for compliance with paragraph (j). The report shall indicate the portion of production that is to be performed by department personnel and the portion that is to be performed by consultants.

8. A statement of proposed program changes and related policy changes and the effects of such changes on the programs in the tentative work program.

9. A project comparison, by project phase and cost, for the 4 common years between the tentative work program and the previous work program adopted pursuant to subsection (6).

10. A list of projects in the tentative work program organized and presented:

- a. By fiscal year;
- b. By department district;
- c. By county;
- d. By project phase; and
- e. By fixed capital appropriation category and fund.

11. *A summary of funding allocations and right-of-way phases by district and by county for each fiscal year in the tentative work program that are part of the advanced right-of-way acquisition programs set forth in s. 337.276. The report must separately identify right-of-way phases for projects which are future transportation corridors to be acquired at least 5 years in advance of construction.*

Section 70. Subsection (2) of section 339.155, Florida Statutes, 1988 Supplement, as amended by section 5 of chapter 89-301, Laws of Florida, is amended to read:

339.155 Transportation planning.—

(2) DEVELOPMENT OF STATEWIDE TRANSPORTATION PLAN.—A statewide transportation plan shall be developed by the department in conjunction with appropriate local governmental entities. The statewide transportation plan shall be known as the Florida Transportation Plan. The transportation planning functions which are required of state and local governmental entities shall be undertaken consistent, to the maximum extent feasible, with the policies and guidelines section of the Florida Transportation Plan as provided in paragraph (6)(a). In developing the Florida Transportation Plan, the department shall:

(a) Consider future as well as present needs;

(b) *Provide for the identification, protection, and acquisition of rights-of-way as far in advance of construction as is practical. Future needs for major transportation corridors should be anticipated and advanced right-of-way acquisition should be initiated to protect such corridors;*

(c)(b) Consider all possible alternative modes of transportation;

(d)(e) Consider the joint use of transportation corridors and major transportation facilities for alternate transportation and community uses;

(e)(d) Consider the integration of any proposed system into all other types of transportation facilities in the community;

(f)(e) Ensure that the plan is consistent, to the maximum extent feasible, with regional comprehensive plans and approved local government comprehensive plans so as to contribute to the management of orderly and coordinated community development; and

(g)(f) Consider the total environment of the community and region, including land use, entrepreneurial decisions, population, environmentally sensitive lands, travel patterns, traffic control features, ecology, stormwater management plans, pollution effects, aesthetics, safety, and social and community values; and:

(h) *Provide for a port master plan which has been incorporated into an approved local government comprehensive plan and the linkage transportation modes described in such plan which are needed to provide for the movement of goods and passengers between the port and the other transportation facilities.*

Section 71. (1) Notwithstanding section 339.135(2), Florida Statutes, 1988 Supplement, as amended by chapter 89-301, Laws of Florida, the legislative budget request for 1990-1991 of the Department of Transportation shall be amended to conform to the tentative work program for 1990-1991 not later than March 1, 1990

(2) Notwithstanding section 339.135(4)(f), Florida Statutes, 1988 Supplement, as amended by chapter 89-301, Laws of Florida, the tentative work program for 1990-1991 shall be submitted to the Florida Transportation Commission not later than February 1, 1990.

(3) Notwithstanding section 339.135(4)(g), Florida Statutes, 1988 Supplement, as amended by chapter 89-301, Laws of Florida, the tentative work program following evaluation by the Florida Transportation Commission pursuant to said section shall be submitted to the Executive Office of the Governor and to the Senate and House Appropriations Committees not later than March 1, 1990.

(4) Notwithstanding section 339.135(4)(j), Florida Statutes, 1988 Supplement, as amended by chapter 89-301, Laws of Florida, the Department of Transportation shall not be required to submit the report required pursuant to said section and said report shall again be due pursuant to said section in 1991.

(5) Notwithstanding section 339.155(6)(b), Florida Statutes, 1988 Supplement, as amended by chapter 89-301, Laws of Florida, updates of the Florida Transportation Plan shall be submitted to the legislative appropriations committees no later than March 1, 1990.

Section 72. Section 212.055, Florida Statutes, 1988 Supplement, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

#### (1) CHARTER COUNTY TRANSIT SYSTEM SURTAX.—

(a) ~~Each charter county which adopted a charter prior to June 1, 1976, and each county the government of which is consolidated with that of one or more municipalities, may levy a discretionary sales surtax, pursuant to ordinance enacted by a majority of the members of the county governing authority subject to approval by a majority vote of the electorate of the county.~~

(b) The rate shall be up to 1 percent.

~~(c) The proposal to adopt a discretionary sales surtax as provided in this subsection and to create a rapid transit trust fund within the county accounts shall be placed on the ballot in accordance with law at a time to be set at the discretion of the governing body.~~

(c)(d) Proceeds from the surtax shall be:

1. Deposited by the county in the rapid transit trust fund and shall be used only for the purposes of development, construction, equipment, maintenance, operation, supportive services, including a countywide bus system, and related costs of a fixed guideway rapid transit system; or

2. Remitted by the governing body of the county to an expressway or transportation authority created by law to be used, at the discretion of such authority, for the development, construction, operation, or maintenance

nance of roads or bridges in the county, for the operation and maintenance of a bus system, or for the payment of principal and interest on existing bonds issued for the construction of such roads or bridges, and, upon approval by the county commission, such proceeds may be pledged for bonds issued to refinance existing bonds or new bonds issued for the construction of such roads or bridges.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(a) The governing authority in each county may levy, for a period of up to 15 years from the date of levy, a discretionary sales surtax of 0.5 percent or 1 percent. The levy of the surtax shall be pursuant to ordinance enacted by a majority of the members of the county governing authority, ~~and approved by a majority of the electors of the county voting in a referendum on the surtax. If the governing bodies of the municipalities representing a majority of the county's population adopt uniform resolutions establishing the rate of the surtax and calling for a referendum on the surtax, the levy of the surtax shall be placed on the ballot and shall take effect if approved by a majority of the electors of the county voting in the referendum on the surtax. No referendum election called pursuant to the provisions of this subsection shall be held between March 9 and December 31, 1988.~~

(b) ~~A statement which includes a brief general description of the projects to be funded by the surtax and which conforms to the requirements of s. 101.161 shall be placed on the ballot by the governing authority of any county which enacts an ordinance calling for a referendum on the levy of the surtax or in which the governing bodies of the municipalities representing a majority of the county's municipal population adopt uniform resolutions calling for a referendum on the surtax. The following question shall be placed on the ballot:~~

..... FOR the ..... cent sales tax  
..... AGAINST the ..... cent sales tax

(b)(e) Pursuant to s. 212.054(4), the proceeds of the surtax levied under this subsection shall be distributed to the county and the municipalities within such county in which the surtax was collected, according to:

1. An interlocal agreement between the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population, *which agreement may include a school district with the consent of the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population, pursuant to s. 236.76; or*

2. If there is no interlocal agreement, according to the formula provided in s. 218.62.

(c)(d)1. The proceeds of the surtax authorized by this subsection and any interest accrued thereto shall be expended within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure. Neither the proceeds nor any interest accrued thereto shall be used for operational expenses of any infrastructure. ~~Counties, as defined in s. 135.011(1), may, in addition, use the proceeds to retire or service indebtedness incurred for bonds issued prior to July 1, 1987, for infrastructure purposes.~~

2. For the purposes of this paragraph, "infrastructure" means any fixed capital expenditure or fixed capital costs associated with the construction, reconstruction, or improvement of public facilities which have a life expectancy of 5 or more years and any land acquisition, land improvement, design, and engineering costs related thereto.

(d)(e) Counties and municipalities receiving proceeds under the provisions of this subsection may pledge such proceeds for the purpose of servicing new bond indebtedness incurred pursuant to law. Local governments may use the services of the Division of Bond Finance of the Department of General Services pursuant to the State Bond Act to issue any bonds through the provisions of this subsection. In no case may a jurisdiction issue bonds pursuant to this subsection more frequently than once per year. Counties and municipalities may join together for the issuance of bonds authorized by this subsection.

(e)(f) Counties and municipalities shall not use the surtax proceeds to supplant or replace user fees or to reduce ad valorem taxes existing prior to the levy of the surtax authorized by this subsection.

(g) ~~No referendum proposing the levying of such surtax shall be held after November 30, 1992.~~

(f)(h) Notwithstanding s. 212.054(5), the surtax must take effect on the first day of a month, as fixed by the ordinance adopted pursuant to paragraph (a), and may not take effect until at least 60 days after the date that the ordinance levying the surtax is adopted ~~referendum approving the levy is held.~~

Section 73. Section 206.101, Florida Statutes, is created to read:

206.101 State gas taxes on motor fuel.—

(1) The following taxes are levied on the first sale or first removal from storage of motor fuel after importation into this state:

(a) An excise tax of 2 cents per gallon, which is the tax levied by s. 16, Art. IX of the Constitution of 1885, as amended, and continued by s. 9(c), Art. XII of the 1968 Constitution, as amended, which is therein referred to as the "second gas tax," and which is designated as the "constitutional gas tax";

(b) An additional tax of 1 cent per gallon, which is designated the "county gas tax";

(c) An additional tax of 1 cent per gallon, which is designated the "municipal gas tax"; and

(d) An additional tax equal to 6 percent of the total retail price per gallon, rounded to the nearest tenth of a cent, but not less than 6.9 cents per gallon, which tax is a tax on the privilege of selling motor fuel. Before July 1 of each year, the department shall determine the appropriate tax rate applicable to the retail price per gallon of motor fuel as follows:

1. The department shall determine the appropriate total motor fuel and special fuel price, including federal, state, and local excise taxes on such fuel, for the forthcoming 12-month period beginning July 1, by adjusting the initially established price by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending March 31, compared to the average for the 12-month period ending March 31, 1989.

2. The initially established price is \$1.148 per gallon.

3. The department shall notify each refiner, importer, jobber, or wholesaler before July 1 of each year, as to any change in the tax rate, as determined by the Consumer Price Index.

(e)1. An additional tax of 4 cents per gallon, which tax shall be adjusted on July 1 of each year by the percentage change calculated in subparagraph 206.101(1)(d)1.

2. No later than December 31, 1989, any transportation district may elect, as provided herein, to not levy the tax in the transportation district. The election to not levy the tax imposed pursuant to subparagraph 1. shall be decided by a majority vote to not levy such tax made by the county commissions representing a majority of the population in a transportation district voting on resolutions for such purpose. The vote on a resolution to not levy such tax by a county commission shall be by majority vote of the county commission. If a county commission or the county commissions in a transportation district do not vote to not levy such tax, the county shall be deemed to have voted to levy such tax within the transportation district. Upon adoption of a vote on a resolution to not levy such tax, the county commission shall supply the Department of Revenue a copy of such resolution within 7 days after passage of the resolution or January 2, 1990, by express mail delivery, whichever is earlier.

3. Upon receipt by the Department of Revenue of resolutions from county commissions representing a majority of the population in the district to not levy the tax imposed pursuant to subparagraph 1., the department shall not collect such tax in any county in the respective transportation district.

(2) Revenues from the taxes imposed by this section become state funds at the moment collected by any person. Each refiner, importer, jobber, retail dealer, or wholesaler, shall act as an agent for the state in collecting such taxes whether or not he is the ultimate seller.

(3) For purposes of this section, the term "first sale" does not include exchanges or loans, gallon-for-gallon, of motor fuel between licensed refiners before the fuel has been sold or removed through the loading rack or transfers between terminal facilities owned by the same taxpayer.



The tax on motor fuel first imported into this state by a licensed refiner storing such fuel in a terminal facility shall be imposed when the product is first removed through the loading rack. The tax shall be remitted by the licensed refiner who owned the motor fuel immediately prior to removal of such fuel from storage.

Section 74. Section 206.102, Florida Statutes, is created to read:

206.102 Local option taxes on motor fuel.—

(1) Any county in the state, at the discretion of its governing body, may impose, pursuant to s. 336.021, in addition to all other taxes required or allowed by law, a 1-cent county local option gas tax upon every gallon of motor fuel sold in such county and taxed under the provisions of s. 206.101 for the purpose of paying the costs and expenses of establishing, operating, and maintaining a transportation system and related facilities and the cost of acquisition, construction, reconstruction, and maintenance of roads and streets. The county may limit the number of years the tax will remain in effect.

(2) In addition to other taxes allowed by law, there may be imposed as provided in s. 336.025 a 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option gas tax upon every gallon of motor fuel sold in a county and taxed under the provisions of s. 206.101.

(3)(a) Before July 1 of each year, the department shall determine the appropriate tax rate, for all local option gas taxes, applicable to the retail price per gallon of motor fuel as follows:

1. The department shall determine the appropriate total motor fuel and special fuel prices, including federal, state, and local excise taxes on such fuel, for the forthcoming 12-month period beginning July 1, by adjusting the initially established price by the percentage change in the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending March 31, compared to the average for the 12-month period ending March 31, 1989.

2. The initially established price is \$1.148 per gallon.

(b) The department shall notify each refiner, importer, jobber, or wholesaler before July 1 of each year, as to any change in the tax rate, as determined by the Consumer Price Index.

(4) Each refiner, importer, wholesaler, jobber, or retail dealer who is engaged in using or selling at retail or at the consumer level, motor fuel within a county in which any tax authorized in this section is imposed shall collect and remit the tax to the department. On or before the 20th day of each calendar month, each such person shall, on forms prescribed by the department, report to the department all purchases or other acquisitions and sales or other dispositions of motor fuel during the preceding calendar month, and remit the taxes pursuant to this section. Any such person who owns a chain of retail stations shall file and remit taxes pursuant to this section by location or on a consolidated tax return, by county, prescribed by the department.

(5) Any refiner, importer, wholesaler, jobber, or retail dealer who collects any tax authorized under subsection (1) or subsection (2) shall deduct from the amount of tax shown by the report to be payable an amount equivalent to 3 percent of the tax on motor fuels imposed by this section, which deduction is hereby allowed on account of services and expenses in complying with the provisions of the law. If the amount of taxes due and remitted to the department for the reporting period exceeds \$1,000, the 3-percent allowance shall be reduced to 1 percent for all amounts in excess of \$1,000. However, this allowance shall not be deductible unless payment of the tax is made on or before the 20th day of the month as required. The United States post office date stamped on the envelope in which the report is submitted shall be considered as the date the report is received by the department.

(6)(a) The department shall deposit any tax collected pursuant to subsection (1) into the County Local Option Gas Tax Trust Fund, which fund is created for distribution of such tax to the county in which collected.

(b) The department shall deposit any tax collected pursuant to subsection (2) into the Local Option Gas Tax Trust Fund, which fund is created for distribution to the county and eligible municipalities within the county in which the tax imposed under subsection (2) was collected. The Local Option Gas Tax Trust Fund is subject to the service charge imposed in s. 215.20.

(c) Each month the department shall distribute to such counties and municipalities moneys from such funds collected in such counties and municipalities. However, any amount refunded under the provisions of s. 206.285(1)(a) or (e) shall be deducted from moneys in the Local Option Gas Tax Trust Fund otherwise distributed to the county area in which the tax is levied.

Section 75. Section 206.23, Florida Statutes, is renumbered as section 206.125, Florida Statutes, and amended to read:

206.125 ~~206.23~~ Tax; must be stated separately; invoice to show tax paid.—

(1) Any person engaged in selling motor fuel shall add the amount of any the gas tax levied under s. 206.101 or s. 206.102 to the price of the motor fuel sold by him and shall state the tax separately from the price of the motor fuel on all invoices. However, this section shall not apply to retail sales by a retail service station.

(2) Each retailer shall conspicuously display on the outside housing of each pump or other dispensing device a notice that the price stated on the pump includes any applicable taxes.

Section 76. Section 206.02, Florida Statutes, is renumbered as section 206.151, Florida Statutes, and amended to read:

206.151 ~~206.02~~ Application for license; provisional license; refiners, importers, jobbers, and wholesalers.—

(1) It is unlawful for any person to engage in business as a refiner, importer, jobber, or wholesaler of motor fuel within this state unless such person is the holder of an unrevoked license issued by the department to engage in such business. A person is engaging in such business if he:

(a) Imports or causes any motor fuel to be imported and sells such fuel at wholesale, retail, or otherwise within this state.

(b) Imports and withdraws for use within this state by himself or others any motor fuel from the tank car, truck, or other original container or package in which such motor fuel was imported into this state.

(c) Manufactures, refines, produces, or compounds any motor fuel and sells such fuel at wholesale or retail, or otherwise within this state for use or consumption within this state.

(d) Imports into this state from any other state or foreign country, or receives by any means into this state, any motor fuel which is intended to be used for consumption in this state and keeps such fuel in storage in this state for a period of 24 hours or more after it loses its interstate or foreign commerce character as a shipment in interstate or foreign commerce.

(e) Is primarily liable under the gas tax laws of this state for the payment of motor fuel taxes.

(f) Purchases or receives in this state motor fuel ~~upon which the tax has not been paid.~~

(2) To procure a refiner of motor fuel license, a person shall file with the department an application under oath, and in such form as the department may prescribe, setting forth:

(a) The name under which the person will transact business within the state.

(b) The location, with street number address, of his principal office or place of business within this state and the location where records will be made available for inspection.

(c) The name and complete residence address of the owner or the names and addresses of the partners, if such person is a partnership, or of the principal officers, if such person is a corporation or association; and, if such person is a corporation organized under the laws of another state, territory, or country, he shall also file with the application a certified copy of the certificate or license issued by the Department of State showing that such corporation is authorized to transact business in the state.

(d) The location or locations of the refinery owned by such person, and the volume of each refined petroleum product produced at such refinery.

The application shall require a \$30 license tax. Each license shall be renewed annually through application, including an annual \$30 license tax.

(3) To procure an importer of motor fuels license, a person shall file with the department an application under oath, and in such form as the department may prescribe, setting forth:

(a) The name under which the person will transact business within the state.

(b) The location, with street number address, of his principal office or place of business and the location where records will be made available for inspection.

(c) The name and complete residence address of the owner or the names and addresses of the partners, if such person is a partnership, or of the principal officers, if such person is a corporation or association; and, if such person is a corporation organized under the laws of another state, territory, or country, he shall also file with the application a certified copy of the certificate or license issued by the Department of State showing that such corporation is authorized to transact business in the state.

(d) A statement that such person's business is not located in the state.

The application shall require a \$30 license tax. Each license shall be renewed annually through application, including an annual \$30 license tax.

(4) To procure a wholesaler or *jobber* of motor fuel license, a person shall file with the department an application under oath and in such form as the department may prescribe, setting forth:

(a) The name under which the person will transact business within the state.

(b) The location, with street number address, of his principal office or place of business within this state or in another state and the location where records will be made available for inspection.

(c) The name and complete residence address of the owner or the names and addresses of the partners, if such person is a partnership, or of the principal officers, if such person is a corporation or association; and, if such person is a corporation organized under the laws of another state, territory, or country, he shall also file with the application a certified copy of the certificate or license issued by the Department of State showing that such corporation is authorized to transact business in the state.

The application shall require a \$30 license tax. Each license shall be renewed annually through application, including an annual \$30 license fee.

(5) Any importer who establishes a business location in this state must, prior to beginning business in the state, apply for and be issued a *jobber's* or a wholesaler's license. An importer's license becomes invalid on the date business operations begin from a location within this state.

(6) Upon the filing of an application for a license and concurrently therewith, a bond of the character stipulated and in the amount provided for shall be filed with the department. No license shall be issued upon any application unless accompanied by such a bond, except as provided in s. 206.174(1) ~~or 206.05(1)~~.

(7)(a) A person, partnership, or private corporation which is beginning a new business and which applies for a license as a refiner, importer, *jobber*, or wholesaler shall be issued a provisional license. Once the department's background investigation is completed and the department has determined that the applicant is of good moral character and has not been convicted of any offense specified in s. 206.164 ~~or 206.026(1)(b)~~, a permanent license shall be issued.

(b) A publicly held corporation, the securities of which are regularly traded on a national securities exchange and not over the counter, which begins a new business and which applies for a license as a refiner, importer, *jobber*, or wholesaler shall be issued such a license without the department's background investigation.

Section 77. Section 206.021, Florida Statutes, is renumbered as section 206.152, Florida Statutes, and amended to read:

206.152 ~~206.021~~ Application for license; ~~jobbers~~ and carriers.—

(1) It is unlawful for any person to engage in business as a ~~jobber~~ or carrier of motor fuel within this state unless he is the holder of an unrevoked license issued by the department to engage in such business.

(2) To procure such license, a person shall file with the department an application under oath and in such form as the department may prescribe, setting forth:

(a) The name under which the person will transact business within the state.

(b) The location, with street number address, of his principal office or place of business within this state and the location where records will be made available for inspection.

(c) The name and complete residence address of the owner or the names and addresses of the partners, if such person is a partnership, or of the principal officers, if such person is a corporation or association; and, if such person is a corporation organized under the laws of another state, territory, or country, he shall also file with the application a certified copy of the certificate or license issued by the Department of State showing that such corporation is authorized to transact business in the state.

(3) The application shall require a \$30 license tax. Each license shall be renewed annually through application, including an annual \$30 license tax.

Section 78. Section 206.404, Florida Statutes, is renumbered as section 206.156, Florida Statutes, and amended to read:

206.156 ~~206.404~~ License tax upon retail dealers; dealer transfer fee; ~~monthly reports; penalty.~~—

(1) Every retail dealer shall pay a license tax of \$5 per annum to the state. No license shall be transferred without an application having been filed with the department and payment of a fee of \$5.

~~(2)(a) On or before the 20th day of each calendar month, each retail dealer shall, on forms prescribed by the department, report to the department all purchases or other acquisition and sales or other disposition of motor fuel during the preceding calendar month and remit the taxes pursuant to ss. 336.021, 336.025, and 336.026.~~

~~(b) If any person required to file under this subsection fails to make a complete report, the department may impose, in addition to any other penalty or interest due, a penalty in the amount of \$30.~~

Section 79. Section 206.055, Florida Statutes, is renumbered as section 206.161, Florida Statutes, and paragraph (c) of subsection (1) of said section is amended to read:

206.161 ~~206.055~~ Department may cancel licenses; surrender of bond.—

(1) If a refiner, importer, *jobber*, retail dealer, or wholesaler at any time:

(c) Fails to pay the gas tax as required by part I or part II of this chapter ~~or the sales tax required under part II of chapter 212~~ and the laws of the state;

the department may cancel the license of the refiner, importer, *jobber*, retail dealer, or wholesaler.

Section 80. Section 206.026, Florida Statutes, is renumbered as section 206.164, Florida Statutes, and amended to read:

206.164 ~~206.026~~ Certain persons prohibited from holding a refiner, importer, *jobber*, or wholesaler license; suspension and revocation.—

(1) No corporation, except a publicly held corporation regularly traded on a national securities exchange and not over the counter, general or limited partnership, sole proprietorship, business trust, joint venture or unincorporated association, or other business entity shall hold a refiner, importer, *jobber*, or wholesaler license in this state if any one of the persons or entities specified in paragraph (a) has been determined by the department not to be of good moral character or has been convicted of any offense specified in paragraph (b):

(a)1. The licenseholder.

2. The sole proprietor of the licenseholder.

3. A corporate officer or director of the licenseholder.

4. A general or limited partner of the licenseholder.
5. A trustee of the licenseholder.
6. A member of an unincorporated association licenseholder.
7. A joint venturer of the licenseholder.
8. The owner of any equity interest in the licenseholder, whether as a common shareholder, general or limited partner, voting trustee, or trust beneficiary.
9. An owner of any interest in the license or licenseholder, including any immediate family member of the owner, or holder of any debt, mortgage, contract, or concession from the licenseholder, who by virtue thereof is able to control the business of the licenseholder.

(b)1. A felony in this state.

2. Any felony in any other state which would be a felony if committed in this state under the laws of Florida.

3. Any felony under the laws of the United States.

(2)(a) If the applicant for a license as specified under subsection (1) or a licenseholder as specified in paragraph (1)(a) has received a full pardon or a restoration of civil rights with respect to the conviction specified in paragraph (1)(b), then the conviction shall not constitute an absolute bar to the issuance or renewal of a license or ground for the revocation or suspension of a license.

(b) A corporation which has been convicted of a felony shall be entitled to apply for and receive a restoration of its civil rights in the same manner and on the same grounds as an individual.

(3) After notice and hearing, the department shall refuse to issue or renew, or shall suspend, as appropriate, any license found in violation of subsection (1). The order shall become effective 120 days after service of the order upon the licenseholder and shall be amended to constitute a final order of revocation unless the licenseholder has, within that period of time, either caused the divestiture, or agreed with the convicted person upon a complete immediate divestiture, of his holding, or has petitioned the circuit court as provided in subsection (4), or, in the case of corporate officers or directors of the holder or employees of the holder, has terminated the relationship between the licenseholder and those persons mentioned. If no action has been taken by the licenseholder within the 120-day period following the issuance of the order of suspension, the department shall, without further notice or hearing, enter a final order of revocation of the license.

(4) The circuit courts shall have jurisdiction to decide a petition brought by a holder of a license who shows that his or its license is in jeopardy of suspension or revocation under subsection (3) and that such licenseholder is unable to agree upon the terms of divestiture of interest with the person specified in subparagraphs (1)(a)3.-9. who has been convicted of an offense specified in paragraph (1)(b). The court shall determine the reasonable value of the interest of the convicted person and order a divestiture upon such terms and conditions as it finds just. In determining the value of the interest of the convicted person, the court may consider, among other matters, the value of the assets of the licenseholder, its good will and value as a going concern, recent and expected future earnings, and other criteria usual and customary in the sale of like enterprises.

(5) The department shall make such rules for the photographing, fingerprinting, and obtaining of personal data of individuals described in paragraph (1)(a) and the obtaining of such data regarding the business entities described in paragraph (1)(a) as are necessary to effectuate the provisions of this section.

Section 81. Section 206.027, Florida Statutes, is renumbered as section 206.166, Florida Statutes, and amended to read:

~~206.166~~ ~~206.027~~ Licenses not assignable.—

(1) No license granted under the provisions of this chapter shall be transferred or assigned except upon application to, and written consent and approval of the transferee by, the department pursuant to the provisions of ~~s. 206.164~~ ~~s. 206.026~~.

(2) At all times prior to approval of a transfer or assignment of the license the transferor shall be deemed to be the licenseholder.

(3) Whenever a license is held by a corporation or business entity other than an individual, no transfer of the stock or other evidence of ownership or equity in the licenseholder shall be made, absent the prior approval of the transferee by the department pursuant to the provisions of ~~s. 206.164~~ ~~s. 206.026~~.

Section 82. Section 206.028, Florida Statutes, is renumbered as section 206.168, Florida Statutes, and subsection (1) of said section is amended to read:

~~206.168~~ ~~206.028~~ Costs of investigation; department to charge applicants.—

(1) The department is authorized to charge any anticipated costs incurred by the department in determining the eligibility of any person or entity specified in ~~s. 206.164(1)(a)~~ ~~s. 206.026(1)(a)~~ to hold a license against such person or entity.

Section 83. Section 206.03, Florida Statutes, is renumbered as section 206.171, Florida Statutes, and amended to read:

~~206.171~~ ~~206.03~~ Licensing of refiners, importers, *jobbers*, and wholesalers.—

(1) The application in proper form having been accepted for filing, the filing fee paid, and the bond accepted and approved, except as provided in ~~s. 206.174(1)~~ ~~s. 206.05(1)~~, the department shall issue to such person a license to transact business in the state, subject to cancellation of such license as provided by law.

(2) The license so issued by the department shall not be assignable except pursuant to ~~s. 206.166~~ ~~s. 206.027~~, shall be valid only for the person in whose name it has been issued, and shall be displayed conspicuously in the principal place of business in the state.

(3) The department shall keep and file all applications and bonds with an alphabetical index thereof, together with a record of all duly licensed persons.

Section 84. Section 206.04, Florida Statutes, is renumbered as section 206.172, Florida Statutes, and amended to read:

~~206.172~~ ~~206.04~~ License number and cards; penalties.—Each refiner, importer, *jobber*, and wholesaler shall be assigned a license number upon qualifying for a license hereunder, and the department shall issue to each such licensee separate license cards for each tank truck operated by that person. Such license card shall indicate the license number so assigned, the motor number of the truck authorized to be operated under such license card, and such other information as the department may prescribe. The license card shall be conspicuously displayed in the vehicle to which it is assigned, and any person operating a tank truck in this state conveying or transporting motor fuel without such license card or, if a common carrier, a bill of lading is guilty of a felony of the third degree, punishable as provided in ~~s. 775.082~~, ~~s. 775.083~~, or ~~s. 775.084~~.

Section 85. Section 206.05, Florida Statutes, is renumbered as section 206.174, Florida Statutes, and amended to read:

~~206.174~~ ~~206.05~~ Bond required of licensed refiner, importer, *jobber*, or wholesaler.—

(1) Each refiner, importer, *jobber*, or wholesaler, except a municipality, county, school board, state agency, federal agency, or special district which is licensed under this part, shall file with the department a bond in a penal sum of not more than \$100,000, such sum to be approximately 3 times the average monthly ~~gas tax and sales tax imposed pursuant to s. 206.101~~ on motor fuel paid or due during the preceding 12 calendar months under the laws of this state. The bond shall be in such form as may be approved by the department, executed by a surety company duly licensed to do business under the laws of the state as surety thereon, and conditioned upon the prompt filing of true reports and the payment to the department of any and all ~~gas taxes and sales taxes~~ on motor fuel ~~collected pursuant to chapter 213~~ which are now or which hereafter may be levied or imposed by the state, together with any and all penalties and interest thereon, and generally upon faithful compliance with the provisions of the ~~motor fuel gas tax and sales tax~~ laws of the state. The licensee shall be the principal obligor, and the state shall be the obligee. An assigned time deposit or irrevocable letter of credit may be accepted in lieu of a surety bond.

(2) In the event that liability upon the bond thus filed with the department is discharged or reduced, whether by judgment rendered,

payment made, or otherwise, or if in the opinion of the department any surety on the bond theretofore given has become unsatisfactory or unacceptable, then the department may require a new bond with satisfactory sureties in the same amount, failing which the department shall forthwith cancel the license. If such new bond is furnished as above provided, the department shall cancel and surrender the bond of the person for which such new bond is substituted.

(3) In the event that the department decides that the amount of the existing bond is insufficient to ensure payment to the state of the amount of the tax and any penalties and interest for which the person is or may at any time become liable, then that person shall forthwith, upon the written demand of the department, file additional bond in the same manner and form with like security thereon as hereinbefore provided, and the department shall forthwith cancel the license of anyone failing to file an additional bond as herein provided.

(4) Any surety on any bond furnished by a person, as above provided, shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of 60 days from the date upon which such surety has filed with the department written request to be released and discharged. However, such request shall not operate to relieve, release, or discharge such surety from any liability already accrued, or which shall accrue, before the expiration of the 60-day period. The department shall, promptly on receipt of notice of such request, notify the licensee who furnished the bond, and, unless the licensee on or before the expiration of the 60-day period files with the department a new bond with a surety company satisfactory to the department in the amount and form hereinbefore in this section provided, the department shall forthwith cancel the license. If the new bond is furnished as above provided, the department shall cancel and surrender the bond of the licensee for which the new bond is provided.

Section 86. Section 206.065, Florida Statutes, is renumbered as section 206.176, Florida Statutes, and subsections (1) and (2) of said section are amended to read:

**206.176 206.065** Purchases by licensed wholesalers; authority to self-accrue and remit tax.—

(1) A licensed wholesaler may, after obtaining written consent of the executive director of the department, self-accrue and remit the tax imposed by this part. Thereafter, the wholesaler may purchase motor fuel from importers or refiners and pay the tax due on such purchases directly to the department. The tax shall be due and remitted as provided in s. 206.202 ~~s. 206.43~~.

(2) A wholesaler may self-accrue and remit the tax under subsection (1) only if he:

(a) Made average monthly sales of not less than 150,000 gallons for the preceding 12-month period prior to applying for the authority;

(b) Has been registered and filed timely reports and made timely payments of the tax due for a period of 12 months in accordance with the provisions of s. 206.202 ~~s. 206.43~~;

(c) Complies with the requirements of s. 206.174 ~~s. 206.05~~; however, the department may increase the amount of the bond or other security to equal the total amount of tax remitted for the previous 3-month period if the wholesaler repeatedly remitted such tax late;

(d) Files a written statement under oath with the department stating that the wholesaler meets the requirements of this subsection; and

(e) Submits proper forms to the department as the department may require.

Section 87. Section 206.178, Florida Statutes, is created to read:

**206.178** Purchases by licensed importers and jobbers; authority to self-accrue and remit.—

(1) A licensed importer or jobber may, after obtaining written consent of the executive director of the department, self-accrue and remit the tax imposed by this part. Thereafter, the importer or jobber may purchase motor fuel from refiners or importers and pay any tax due on such purchases directly to the department. The tax shall be due and remitted as provided in s. 206.202.

(2) An importer or jobber may self-accrue and remit the tax under subsection (1), only if he:

(a) Exports that volume of fuel which would generate a monthly refund of motor fuel tax of at least \$1,000;

(b) Files with the department a bond in an amount equal to three times the average monthly tax due on gallons acquired within the preceding 12 calendar months;

(c) Files with the department each year an application for an exporter exemption permit;

(d) Provides his supplier with a copy of his exporter exempt permit and his current license number; and

(e) Files a copy of the tax return of the state to which the fuel is exported and any documentation concerning such fuel such as waybills, manifests, and any other documents that may be required to be filed with the monthly Florida wholesaler tax return.

(3) The privilege to self-accrue and remit tax shall be revoked at any time if the licensed importer or jobber:

(a) Fails to report and remit the tax in a timely manner;

(b) Fails to respond to renewal requests;

(c) Fails to comply with any notice of intent to audit or other notice issued by the department;

(d) Fails to receive approval by the department for any change of name, transfer of ownership, merger, or other like transaction; or

(e) Engages in any activity jeopardizing the collection and remittance of taxes.

(4) The provisions in s. 206.176(7) apply to this section.

(5) An importer or jobber who exports motor fuel out of Florida is exempt from any tax imposed under s. 206.101 if he provides his supplier with an affidavit stating that the fuel is for export but that he will, for fuel which is not exported, collect and remit such tax on any sales made in Florida.

Section 88. Section 206.43, Florida Statutes, is renumbered as section 206.202, Florida Statutes, and amended to read:

**206.202 206.43** Refiner, importer, *jobber*, and wholesaler to report to department monthly; deduction.—The taxes levied and assessed as provided in this part shall be paid to the department monthly in the following manner:

(1) Taxes are due on the first day of the succeeding month and shall be paid on or before the 20th day of each month. The refiner, importer, *jobber*, or wholesaler shall mail to the department verified reports on forms prescribed by the department of the number of gallons of such products sold by him during the preceding month and shall at the same time pay to the department the amount of tax computed to be due. However, if the 20th day falls on a Saturday, a Sunday, or a federal or state legal holiday, returns shall be accepted if postmarked on the next succeeding workday. The refiner, importer, *jobber*, or wholesaler shall deduct from the amount of tax shown by the report to be payable an amount equivalent to 6 percent of the tax on motor fuels imposed by s. 206.101(1)(b) and (c) ~~this part~~ not exceeding 500,000 taxable gallons, and less an amount equivalent to 3 percent of the tax on motor fuels imposed by s. 206.101(1)(b) and (c) ~~this part~~ in excess of 500,000 gallons but not exceeding 1 million taxable gallons, which deduction is hereby allowed to the refiner, importer, *jobber*, or wholesaler on account of services and expenses in complying with the provisions of the law. However, this allowance shall not be deductible unless payment of the tax is made on or before the 20th day of the month as herein required. The United States post-office date stamped on the envelope in which the report is submitted shall be considered as the date the report is received by the department. Nothing in this subsection shall be construed to authorize a deduction from the constitutional gas tax.

(2) Such report shall show in detail the number of gallons so sold or *removed from storage* and delivered by the refiner, importer, *jobber*, or wholesaler in the state, and the destination as to the county in the state to which the motor fuel was delivered for resale at retail or use shall be specified in the report. The total taxable gallons sold shall agree with the total gallons reported to the county destinations for resale at retail or use. All gallons of motor fuel sold shall be invoiced and shall name the county of destination for resale at retail or use.

(3) All refiners, importers, *jobbers*, and wholesalers shall report monthly:

(a) The consumption of motor fuel by the licensee and the county or counties in which the gallons of motor fuel were consumed.

(b) All sales to the ultimate consumer and the county or counties to which the gallons of motor fuel were delivered.

(c) All sales to retail dealers and service stations and the county or counties to which the gallons of motor fuel were delivered.

~~(4) The taxes herein levied and assessed shall be in addition to any and all other taxes authorized, imposed, assessed, or levied on motor fuel under any laws of this state.~~

Section 89. Section 206.09, Florida Statutes, is renumbered as section 206.206, Florida Statutes, and subsections (1) and (4) of said section are amended to read:

~~206.206 206.09~~ Reports from carriers transporting motor fuel or similar products.—

(1) Every railroad company, pipeline company, water transportation company, and common carrier transporting motor fuel, casinghead gasoline, natural gasoline, naphtha, or distillate, either in interstate or intrastate or foreign commerce, to points within Florida, and every person transporting motor fuel, casinghead gasoline, natural gasoline, naphtha, or distillate, by whatever manner, to a point in Florida from any point outside of said state, who is not required by the provisions of part I, part II, or part III of this chapter to be licensed under *s. 206.151* ~~ss. 206.02~~ or by the laws of Florida to make reports shall file a statement setting forth:

(a) The name under which such person is transacting business within the state.

(b) The location with street number address of such person's principal office or place of business within the state.

(c) The name and address of the owner or the names and addresses of the partners, if such person is a partnership, or the principal officers, if such person is a corporation or association.

~~(4) If any such person or company required to file under this section fails to make a complete report, the department shall impose, in addition to any other penalty or interest due, a penalty in the amount of \$100.~~

Section 90. Section 206.095, Florida Statutes, is renumbered as section 206.213, Florida Statutes, and amended to read:

~~206.213 206.095~~ Reports from terminal facilities.—

(1) Every terminal facility which stores, handles, or transfers motor fuel, casinghead gasoline, natural gasoline, naphtha, diesel fuel, kerosene, or other middle distillates shall file a report on forms prescribed by the department. The report shall be filed on a monthly basis within 20 days after the close of the month covered by the report and shall show:

(1)(a) The name, address, and license number of the refiner or importer storing or transferring such product.

(2)(b) The name of the boat, barge, or vessel transporting the product to the terminal.

(3)(c) The number of gallons and type of product which is being stored.

(4)(d) Such other additional information relative to shipments and storage of products as the department may require.

~~(3) If any terminal fails to make a complete report, the department shall impose, in addition to any other penalty and interest due, a penalty in the amount of \$100.~~

Section 91. Section 206.10, Florida Statutes, is renumbered as section 206.225, Florida Statutes, and amended to read:

~~206.225 206.10~~ Reports to be filed whether taxes due or not.—All statements or reports required by ~~part I or part II~~ of this chapter and the gas tax laws of this state to be made to the department monthly shall be filed each month, regardless of whether or not a gas tax is due under the provisions of the laws of Florida.

Section 92. Section 206.48, Florida Statutes, is renumbered as section 206.235, Florida Statutes, and amended to read:

~~206.235 206.48~~ Reports required of refiners, importers, *jobbers*, and wholesalers.—Each refiner, importer, *jobber*, or wholesaler of motor fuels shall, when making his report to the Department of Revenue of the amount of such products sold *or removed from storage* in this state upon which the tax provided is due and payable by him to the department, at the same time report to the department each and every sale made by such person of any quantity of motor fuel which shall not have been at the time of such sale divested of its interstate or foreign character, which report shall show the name and business location of the person to whom the same is sold in this state. Every refiner, importer, *jobber*, or wholesaler shall, at the time other reports are required to be made to the department, report to the department each and every purchase of such products not theretofore divested of their interstate or foreign character made by such person upon which the tax is shown by the invoice thereof to have been assumed for report and payment by the refiner, importer, *jobber*, or wholesaler selling to him.

Section 93. Section 206.485, Florida Statutes, is renumbered as section 206.245, Florida Statutes, and amended to read:

~~206.245 206.485~~ Tracking system reporting requirements.—The information required for tracking movements of petroleum products pursuant to *ss. 206.206, 206.213, and 206.235* ~~ss. 206.08, 206.09, 206.095, and 206.48~~ shall be submitted in the manner prescribed by the executive director of the department by rule. The rule shall include, but not be limited to, the data elements, the format of the data elements, and the method and medium of transmission to the department.

Section 94. Section 206.62, Florida Statutes, is renumbered as section 206.253, Florida Statutes, and subsections (1), (2), (3), (4), (5), and (6) of said section are amended to read:

~~206.253 206.62~~ Certain sales to United States tax exempt; rules and regulations.—

(1) *All motor fuel sold to the United States or its departments or agencies is exempt from any tax imposed by s. 206.101 or s. 206.102* ~~Every refiner or importer of motor fuels shall be exempt from the payment of all excise taxes upon motor fuels sold by such person in the state to the United States or its departments or agencies when the motor fuel is sold and delivered by the refiner or importer in bulk lots of not less than 500 gallons in each delivery to and for the exclusive use by the United States or its departments or agencies.~~

(2) Every *refiner, importer, jobber, or wholesaler* of motor fuels who has purchased such fuel tax exempt from a refiner or importer shall be exempt from the payment of all excise taxes upon *untaxed* motor fuels sold by such licensee in the state to the United States or its departments or agencies when the motor fuel is sold and delivered by such licensee in bulk lots of not less than 500 gallons in each delivery to and for the exclusive use by the United States or its departments or agencies.

(3) Every wholesaler, *refiner, importer, or jobber* of motor fuels who has purchased such fuel tax paid shall be entitled to a monthly refund of all excise taxes paid upon motor fuels *sold* in the state to the United States or its departments or agencies when the motor fuel is sold and delivered by such licensee in bulk lots of not less than 500 gallons in each delivery to and for the exclusive use by the United States or its departments or agencies.

(4) Wholesalers, *refiners, importers, or jobbers* may, instead of filing a refund request, take credit for taxes paid on such sales to the United States Government against tax due on monthly returns.

(5) Refiners, importers, wholesalers, and *jobbers* are not exempt from the tax levied under this part ~~or part II of chapter 212~~ on motor fuel sold or delivered to post exchanges located on United States military reservations.

(6) All purchases of motor fuel by the United States or its departments or agencies when sold through or by post exchanges located on United States military reservations are subject to the tax levied under this part ~~or part II of chapter 212~~.

Section 95. Section 206.42, Florida Statutes, as amended by section 25 of chapter 89-300, Laws of Florida, is renumbered as section 206.255, Florida Statutes, and amended to read:

~~206.255 206.42~~ Aviation *fuel* gasoline exempt from excise tax.—



(1) Each and every *retail* dealer in aviation *fuel* gasoline in the state by whatever name designated who purchases from any refiner, importer, jobber, or wholesaler, and sells, aviation gasoline (A.S.T.M. specification D-910 or current specification), of such quality not adapted for use in ordinary motor vehicles, being designed for and sold and exclusively used for aircraft, is exempted from the payment of taxes levied under this part, but is subject to the tax levied under part III.

(2) A refiner, importer, jobber, or wholesaler may be entitled to a refund of taxes paid under this chapter on all gallons of aviation ~~motor~~ fuel sold to aviation *retail* dealers monthly. A refiner, importer, jobber, or wholesaler may instead of refund take credit for taxes paid on his monthly returns.

(3) All sales of aviation ~~motor~~ fuel must be in compliance with s. 206.275 ~~s. 206.425~~ to qualify for the exemption.

(4) Fuels of such quality not adapted for use in ordinary motor vehicles, being produced for and sold and exclusively used for space flight as defined in s. 212.02 are not subject to the tax pursuant to this part, parts II and III, and chapter 212.

Section 96. Section 206.41, Florida Statutes, is renumbered as section 206.263, Florida Statutes, and amended to read:

~~206.263 206.41 Sale of motor fuel for export; exemptions Constitutional gas tax imposed.—~~

~~(1) An excise or license tax of 2 cents per gallon is imposed upon the first sale or first removal from storage, after importation into this state, of motor fuel upon which such tax has not been paid or the payment thereof has not been lawfully assumed by some person handling the same in this state. This tax, which is the tax as levied by s. 16, Art. IX of the Constitution of 1885, as amended, and continued by s. 9(e), Art. XII of the 1968 Constitution, as amended, and which is therein referred to as the "second gas tax," is hereby designated the "constitutional gas tax." Revenues from this levy of tax become state funds at the time of collection by the refiner, importer, or wholesaler, who shall act as agent for the state in the collection of such tax whether he is the ultimate seller or not. For purposes of this subsection, the term "first sale" does not include exchanges or loans, gallon for gallon, of motor fuel between licensed refiners before the fuel has been sold or removed through the loading rack or transfers between terminal facilities owned by the same taxpayer. The tax on motor fuel first imported into this state by a licensed refiner storing such fuel in a terminal facility shall be imposed when the product is first removed through the loading rack. The tax shall be remitted by the licensed refiner who owned the motor fuel immediately prior to removal of such fuel from storage.~~

~~(2)(a) The sale of motor fuel for export from the state by a refiner or importer is exempt from the taxes imposed by this part when exempted by any provision of the Constitution of the United States or of the State of Florida. The sale of motor fuel for export from the state which is not exempted from the taxes imposed by this part either by the Constitution of the United States or of the State of Florida shall also be exempt, but only if both the seller and the exporter of the motor fuel are duly licensed as a refiner or importer.~~

~~(1)(b)1. The sale of motor fuel for export from this state by a wholesaler, refiner, importer, or jobber is exempt from the taxes imposed by this part when exempted by any provision of the Constitution of the United States or of the State of Florida. The sale of motor fuel for export from the state which is not exempted from the taxes imposed by this part either by the Constitution of the United States or of the State of Florida shall also be exempt, but only if the purchaser of the motor fuel is licensed as a refiner or importer.~~

~~2. A refiner, importer, wholesaler, or jobber may be entitled to a refund of taxes paid on gallons of motor fuel exported by filing a refund request monthly. A refiner, importer, or wholesaler may, instead of refund, take credit for taxes paid on gallons exported on his monthly returns.~~

(2)(e) A wholesaler, refiner, jobber, or importer may export gallons of motor fuel to his own location tax exempt if the licensee maintains complete and adequate shipping documentation that the motor fuel was removed from the state. Adequate shipping documentation shall include bills of lading and delivery tickets provided by the seller or by a common carrier hauling the fuel or by complete shipping logs provided by the purchaser along with receiving records from the location outside of the state.

(3)(d) Violation of any provision of this section may subject the licensee to both revocation of license and liability for taxes on all fuel claimed as exported from the state.

(4)(3) Motor fuel in the fuel tanks in any motor vehicle entering this state used to propel such motor vehicle shall be exempt from the taxes imposed by this part. "Fuel tanks" shall mean the reservoir or receptacle attached to the motor vehicle by the manufacturer as the container for fuel used to propel the vehicle.

Section 97. Section 206.425, Florida Statutes, 1988 Supplement, as amended by section 13 of chapter 89-356, Laws of Florida, is renumbered as section 206.275, Florida Statutes, and amended to read:

~~206.275 206.425 Tax-exempt purchasers; refiner, jobber, wholesaler, or importer to obtain affidavits or resale certificates; relief from audit or assessment; refunds authorized; penalty.—~~

(1) Each refiner, jobber, wholesaler, or importer shall request signed affidavits or resale certificates of all persons who purchase or obtain motor fuel from such refiner, jobber, wholesaler, or importer and who are not required to pay the tax imposed by s. 206.101 or s. 206.102 ~~this part~~ at the time of such purchase. The affidavits or resale certificates shall show the license number issued by the department to purchasers who are authorized to buy motor fuel tax exempt and to act as agents of the state in collecting and remitting the tax. Such affidavits or resale certificates should be executed by the refiner, jobber, wholesaler, or importer before or at the time of the first sale or removal from storage.

(2) A refiner, jobber, wholesaler, or importer may, in lieu of obtaining an affidavit, include on the sale invoice or other document evidencing title passage the license number of the purchaser as well as the refiner's, jobber's, wholesaler's, or importer's license number at the time of the sale to exempt a specific transaction.

(3) The provisions of this section shall apply to sales of aviation ~~motor~~ fuel to licensed aviation ~~motor~~ fuel *retail* dealers.

(4)(a) In order to seek relief from an audit or assessment completed on or after June 24, 1984, a person may, through the informal protest procedure established under s. 213.21 and the rules of the department, provide the department with evidence of the exempt status of a sale or removal transfer of motor fuel. The department shall accept resale certificates or affidavits properly executed when submitted during the protest period, but such certificates or affidavits may not be considered in proceedings instituted under chapter 120 or in actions instituted in circuit court under chapter 72, unless such certificates or affidavits have been submitted and considered by the department under the procedure established in s. 213.21.

(b) If a person or licensee can establish to the satisfaction of the department that the tax assessed has been remitted to the state or that no tax is due because the special or alternative fuel was sold for a use other than for use in a motor vehicle, that person or licensee may seek relief from the department pursuant to s. 213.21.

(c) Any person who sells fuel in violation of this part shall pay a penalty of 25 percent of the tax assessed of which he seeks relief.

(5) A request for review shall be made in writing to the executive director of the department. If it is found that any person applying for relief under this chapter has paid the tax and is entitled to a refund, the Comptroller may issue the refund to that person.

Section 98. Section 212.67, Florida Statutes, 1988 Supplement, as amended by section 19 of chapter 89-356, Laws of Florida, is renumbered as section 206.285, Florida Statutes, sections 206.626 and 206.13, Florida Statutes, are transferred to said section as subsections (13) and (14), respectively, and said section is amended to read:

~~206.285 212.67 Refunds.—~~

(1) The following refunds apply to the tax imposed by *part I and part II of this chapter this part*, to the extent provided in this section:

(a) Refunds on fuel used for local transit operations.—Any person who uses motor fuel ~~or special fuel~~ on which the taxes imposed by s. 206.101(1)(d), s. 206.101(1)(e), or s. 206.102(2) ~~this part~~ have been paid for any system of mass public transportation authorized to operate within any city, town, municipality, county, or transit authority region in this state, as distinguished from any over-the-road or charter system of public transportation, is entitled to a refund of such taxes. A public transporta-

tion system or transit system as defined above may operate outside its limits when such operation is found necessary to adequately and efficiently provide mass public transportation services for the city, town, or municipality involved. A transit system as defined above includes demand service that is an integral part of a city, town, municipality, county, or transit or transportation authority system but does not include independent taxicab or limousine operations. The terms "city," "county," and "authority" as used in this paragraph include any city, town, municipality, county, or transit or transportation authority organized in this state by virtue of any general or special law enacted by the Legislature.

(b) Refunds to retail dealers for shrinkage of motor fuel.—Every retail dealer licensed under s. 206.156 ~~s. 206.404~~ who sells motor fuel in a county that does not impose a tax under s. 206.102 ~~s. 336.021, s. 336.025, or s. 336.026~~ is entitled to a refund of 1.4 percent of the tax imposed by s. 206.101(d) ~~this part~~ on motor fuel purchased by such retail dealer to cover losses due to evaporation and shrinkage of motor fuel. Any retail dealer who sells motor fuel within a county which imposes a tax under s. 206.102 ~~s. 336.021, s. 336.025, or s. 336.026~~ shall take as a credit against any tax due on his local option gas tax return an amount equal to 1.4 percent of the motor fuel tax imposed by this part to cover losses due to evaporation and shrinkage. Nothing in this paragraph shall be construed to allow this credit to be subtracted from the moneys deposited in the Local Option Gas Tax Trust Fund or the County Local Option Gas Tax Trust Fund.

(c) Return of ~~taxes tax~~ to municipalities and counties.—The ~~portions~~ ~~portion~~ of the ~~taxes tax~~ imposed by s. 206.101(1)(b), s. 206.101(1)(d), and s. 206.101(1)(e) ~~this part~~ which ~~result results~~ from the collection of such taxes paid by a municipality or county on motor fuel ~~or special fuel~~ for use in a motor vehicle operated by it shall be returned to the governing body of such municipality or county for the construction, reconstruction, and maintenance of roads and streets within the municipality or county.

(d) Return of ~~taxes tax~~ to school districts and nonpublic schools.—

1. The portion of the tax imposed by s. 206.101(1)(b) which results from the collection of such tax paid by a school district or by a private contractor operating school buses for a school district, on motor fuel for use in a motor vehicle operated by such district or private contractor shall be returned to the governing body of each such school district.

2.1. The ~~portions~~ ~~portion~~ of the ~~taxes tax~~ imposed by s. 206.101(1)(d) and s. 206.101(1)(e) ~~this part~~ which ~~result results~~ from the collection of such tax paid by a school district or a private contractor operating school buses for a school district or by a nonpublic school on motor fuel ~~or special fuel~~ for use in a motor vehicle operated by such district, private contractor, or nonpublic school shall be returned to the governing body of such school district or to such nonpublic school.

3.2. Funds returned to school districts shall be used to fund construction, reconstruction, and maintenance of roads and streets within the school district required as a result of the construction of new schools or the renovation of existing schools. The school board shall select the projects to be funded; however, the first priority shall be given to projects required as the result of the construction of new schools, unless a waiver is granted by the affected county or municipal government. Funds returned to nonpublic schools shall be used for transportation-related purposes.

(e) Refunds to farmers, fishermen, and aquaculturists.—

1. Any person who uses any motor fuel for agricultural, aquacultural, or commercial fishing purposes on which fuel the tax imposed by s. 206.101(1)(c), s. 206.101(1)(d), s. 206.101(1)(e), or s. 206.102(2) ~~this part~~ has been paid is entitled to a refund of such tax.

2.a. For the purposes of this paragraph, "agricultural and aquacultural purposes" means motor fuel used in any tractor, vehicle, or other farm equipment which is used exclusively on a farm or for processing farm products on the farm, and no part of which fuel is used in any vehicle or equipment driven or operated upon the public highways of this state. This restriction does not apply to the movement of a farm vehicle or farm equipment between farms. The transporting of bees by water and the operating of equipment used in the apiary of a beekeeper shall be also deemed an agricultural purpose.

b. For the purposes of this paragraph, "commercial fishing and aquacultural purposes" means motor fuel used in the operation of boats, vessels, or equipment used exclusively for the taking of fish, crayfish, oys-

ters, shrimp, or sponges from salt or fresh waters under the jurisdiction of the state for resale to the public, and no part of which fuel is used in any vehicle or equipment driven or operated upon the highways of this state; however, the term may in no way be construed to include fuel used for sport or pleasure fishing.

~~(f) Refunds to refiners, importers, and wholesalers on fuel used in blending gasohol.—Any refiner, importer, or wholesaler who has paid the tax imposed by this part on purchases of motor fuel which is blended with ethyl alcohol to produce gasohol shall be entitled to a refund of 4 cents per gallon of such tax until July 1, 1985, and then shall be entitled to a refund of 2 cents per gallon of such tax through June 30, 1987. Such person may choose to adjust any overpayment authorized in this paragraph on the monthly motor fuel tax report. This paragraph operates retroactively to April 1, 1983, and applies to motor fuels blended with ethyl alcohol on or after April 1, 1983.~~

~~(g) Refunds to wholesale blenders for fuel used in blending gasohol.—Any wholesale blender who is not licensed as a refiner, importer, or wholesaler who purchases motor fuel for blending with ethyl alcohol to produce gasohol shall be entitled to apply for a refund of 4 cents per gallon of such tax until July 1, 1985, and then shall be entitled to apply for a refund of 2 cents per gallon of such tax through June 30, 1987. This paragraph operates retroactively to April 1, 1983, and applies to motor fuels blended with ethyl alcohol on or after April 1, 1983.~~

(2)(a) To procure a permit, a person must file with the department an application, on forms furnished by the department, stating that he is entitled to a refund according to the provisions of subsection (1) and that he intends to file an application for refund for a calendar quarter during the current calendar year, and must furnish the department such other information as the department requests.

(b) No person, municipality, county, school district, or nonpublic school may in any event be allowed a refund unless he has filed the application provided for in paragraph (a) with the department. A permit shall be effective for the year issued by the department and shall be continuous from year to year so long as the permit holder files refund claims from year to year. In the event the permit holder fails to file a claim for any year, he must apply for a new permit.

(c) If an applicant for a refund permit has violated any provision of this section or any regulation pursuant hereto; or has been convicted of bribery, theft, or false swearing within the period of 5 years preceding the application; or if the department has evidence of the financial irresponsibility of the applicant, the department may require the applicant to execute a corporate surety bond of \$1,000 to be approved by the department, conditioned upon the payment of all taxes, penalties, and fines for which such applicant may become liable under this part.

(3)(a) When motor fuel ~~or special fuel~~ is sold to a person who claims to be entitled to a refund under this section, the seller of such motor fuel ~~or special fuel~~ shall make out a sales invoice, which shall contain the following information:

1. The name, post-office address, and residence address of the purchaser.
2. The number of gallons purchased.
3. The date on which the purchase was made.
4. The price paid for the motor fuel ~~or special fuel~~.
5. The name and place of business of the seller of the motor fuel ~~or special fuel~~.
6. The license number, or other identification number, of the motor vehicle or boat of the purchaser.

(b) The sales invoice shall be retained by the purchaser for attachment to his application for a refund, as a part thereof. No refund will be allowed unless the seller has executed such an invoice and unless proof of payment of the taxes for which the refund is claimed is attached. The department may refuse to grant a refund if the invoice is incomplete and fails to contain the full information required in this subsection.

(c) No person may execute a sales invoice, as described in paragraph (a), except a refiner, importer, wholesaler, dealer, *jobber*, or retail dealer, or a duly authorized agent thereof. ~~No refund invoice may be executed for a purchase from a retail service station.~~

(d) ~~Notwithstanding provisions of this subsection to the contrary,~~ The department ~~may~~ has authority to designate certain retail service stations as agents of refiners, importers, wholesalers, jobbers, or dealers when no refiners, importers, wholesalers, jobbers, or dealers are available.

(e) Notwithstanding provisions of this subsection to the contrary, refunds to a school district for fuel consumed by school buses operated for the district by private contractors shall be based on an estimate of taxes paid. The estimate shall be determined quarterly by dividing the total miles traveled by such vehicles for school purposes by their average miles per gallon, as determined by the department, and multiplying the result by the applicable tax rate per gallon. It is the responsibility of the school district to provide information relevant to this determination.

(4)(a) No refund may be authorized unless a sworn application therefor containing such information as the department may determine is filed with the department not later than the last day of the month following the quarter for which the refund is claimed. However, when a justified excuse for late filing is presented to the department and the last preceding claim was filed on time, the deadline for filing may be extended an additional month. No refund will be authorized unless the amount due is for \$5 or more for any refund period and unless application is made upon forms prescribed by the department.

(b) Claims made for refunds provided pursuant to subsection (1) shall be paid quarterly. The department shall deduct a fee of \$2 for each claim, which fee shall be deposited in the General Revenue Fund.

(5) The right to receive any refund under the provisions of this section is not assignable, except to the executor or administrator, or to the receiver, trustee in bankruptcy, or assignee in an insolvency proceeding, of the person entitled to the refund.

(6)(a) Each refiner, importer, wholesaler, *jobber*, dealer, or retail dealer shall, in accordance with the requirements of the department, keep at his principal place of business in this state or at the bulk plant where the sale is made a complete record or duplicate sales tickets of all motor fuel ~~or special fuel~~ sold by him for which a refund provided in this section may be claimed, which records shall give the date of each such sale, the number of gallons sold, the name of the person to whom sold, and the sale price. No refiner, importer, wholesaler, dealer, *jobber*, or retail dealer, or his agent or employee, may acknowledge or assist in the preparation of any claim for tax refund.

(b) Every person to whom a refund permit has been issued under this section shall, in accordance with the requirements of the department, keep at his residence or principal place of business in this state a record of each purchase of motor fuel ~~or special fuel~~ from a refiner, importer, wholesaler, dealer, *jobber*, or retail dealer, or his authorized agent; the number of gallons purchased; the name of the seller; the date of the purchase; and the sale price.

(c) The records required to be kept under this subsection shall at all reasonable hours be subject to audit or inspection by the department or by any person duly authorized by it. Such records shall be preserved and may not be destroyed until 3 years after the date the motor fuel ~~or special fuel~~ to which they relate was sold or purchased.

(d) The department shall keep a permanent record of the amount of refund claimed and paid to each claimant. Such records shall be open to public inspection.

(7) Agents of the department are authorized to go upon the premises of any permitholder or refiner, importer, *jobber*, or wholesaler as defined in this part, or duly authorized agent thereof, to make inspection to ascertain any matter connected with the operation of this section or the enforcement hereof. However, no agent may enter the dwelling of any person without the consent of the occupant or authority from a court of competent jurisdiction.

(8) If any taxes are refunded erroneously, the department shall advise the payee by registered mail of the erroneous refund. If the payee fails to reimburse the state within 15 days after the receipt of the letter, an action may be instituted by the department against such payee in the circuit court, and the department shall recover from the payee the amount of the erroneous refund plus a penalty of 25 percent.

(9) No person shall:

(a) Knowingly make a false or fraudulent statement in an application for a refund permit or in an application for a refund of any taxes under this section;

(b) Fraudulently obtain a refund of such taxes;

(c) Knowingly aid or assist in making any such false or fraudulent statement or claim; or

(d) Buy motor fuel ~~or special fuel~~ to be used for any purpose other than as provided in this section.

(10) The refund permit of any person who violates any provision of this section shall be revoked by the department and may not be reissued until 2 years have elapsed from the date of such revocation. The refund permit of any person who violates any other provision of this part may be suspended by the department for any period, in its discretion, not exceeding 6 months.

(11) The department shall prescribe a permit form which shall be used to secure refunds under this section ~~and under chapter 206.~~

(12) *Any refiner, importer, jobber, or wholesaler selling to the United States Government or its departments or agencies motor fuel upon which the refiner, importer, jobber, or wholesaler has paid an excise tax may apply for a refund pursuant to s. 206.253.*

(13) ~~206.626 Refunds to ethanol dealers.~~—Any ethanol dealer who has paid the tax imposed under this chapter on purchases of motor fuel used for denaturing ~~from a duly licensed refiner, importer, or wholesaler~~ is entitled to a refund. ~~No refund permit is required. Application for a refund shall be made on a form prescribed by the department.~~

(14) ~~206.13 Refund or credit of taxes erroneously paid or illegally collected.~~—When any taxes, interest, or penalties imposed by part I, or part II, or part III of this chapter have been erroneously paid or illegally collected, the department may permit the refiner, importer, *jobber*, or wholesaler within 1 year to take credit against a subsequent tax report for the amount of the erroneous or illegal amount overpaid, or such person may apply for refund as provided by s. 215.26.

(15) *A refiner, importer, jobber, or wholesaler is entitled to a refund of taxes it has paid on gallons of motor fuel exported by filing a refund request monthly and may, instead of a refund, take as a credit on his monthly returns any taxes paid on gallons exported.*

Section 99. Section 206.11, Florida Statutes, is renumbered as section 206.303, Florida Statutes, and subsection (2) of said section is amended to read:

206.303 ~~206.11~~ Penalties.—

(2) Any person:

(a) Who willfully refuses or neglects to make any statement, report, or return required by the provisions of this law;

(b) Who knowingly makes, or assists any other person in making, a false statement in a return or report or in connection with an application for refund of any tax;

(c) Who knowingly collects, or attempts to collect or causes to be paid to him or to any other person, either directly or indirectly, any refund of such tax without being entitled to the same; or

(d) Who violates any of the provisions of part I or part II of this chapter, a penalty for which is not otherwise provided,

is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084; and, in addition thereto, the department may revoke or suspend the license of any violator. Each day or part thereof during which any person engages in business without being the holder of an uncanceled license as provided by part I or part II of this chapter shall constitute a separate offense within the meaning of this section. In addition to the penalty imposed by part I or part II of this chapter, the defendant shall be required to pay all gas taxes, interest, and penalties due to the state. The penalties provided in this section shall be in addition to those provided for in s. 206.305 ~~s. 206.44~~.

Section 100. Section 206.44, Florida Statutes, is renumbered as section 206.305, Florida Statutes, and amended to read:

206.305 ~~206.44~~ Penalty and interest for failure to report on time; penalty and interest on tax deficiencies.—

(1) If any refiner, importer, *jobber*, or wholesaler fails to make a report or pay the taxes due as required by this chapter, the department

shall add a penalty in the amount of 5 percent of any unpaid tax if the failure is for not more than 1 month, with an additional 5 percent of any unpaid tax for each additional month or fraction thereof during which the failure continues. However, such penalty may not exceed 25 percent in the aggregate of any unpaid tax. Furthermore, in no event may the penalty assessed be less than \$5. The department shall collect the tax, together with the penalty and costs, in the same manner as other delinquent taxes are collected. *If any licensed refiner, importer, jobber, wholesaler, carrier, or terminal facility fails to make a complete report as required by this chapter, the department shall impose, in addition to any other penalty and interest due, a penalty in the amount of \$100. If a retail dealer fails to make a complete report, the department shall impose a penalty of \$30.*

(2) Any payment that is not received by the department on or before the due date as provided in ss. 206.102 and 206.202 ~~§ 206.43~~ shall bear interest at the rate of 1 percent per month, from the date due until paid. Interest on any delinquent tax shall be calculated beginning on the 21st day of the month for which the tax is due, except as otherwise provided in this part.

Section 101. Section 206.426, Florida Statutes, is renumbered as section 206.325, Florida Statutes, and amended to read:

~~206.325~~ ~~206.426~~ Resale and exemption certificates; offenses; penalties.—Any person who:

(1) Issues or assists in issuing a fraudulent resale or exemption certificate to obtain nontaxed motor fuel from a licensed refiner, importer, jobber, or wholesaler;

(2) Has issued a resale or exemption certificate and whose exempt status has become nonexempt and neglects, fails, or refuses to inform the licensed refiner, importer, jobber, or wholesaler to whom the certificate was issued of any such change in status;

(3) Has claimed exemption by issuing a license number at the time of purchase to obtain fuel tax exempt when not entitled by provisions of this chapter; or

(4) Has claimed to have exported gallons of motor fuel by affidavit or return and has no proof that said fuel was exported;

is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, such person shall pay any tax, penalty, and interest assessed, plus a mandatory penalty of not less than \$500, or an amount equal to 100 percent of the tax, whichever is greater.

Section 102. Section 206.56, Florida Statutes, is renumbered as section 206.329, Florida Statutes, and amended to read:

~~206.329~~ ~~206.56~~ Failure to account for tax collected; embezzlement.—If any person, refiner, importer, jobber, or wholesaler collects from another, upon an invoice rendered, the tax in this part contemplated, and fails to report and pay the same to the department as provided, with intent to temporarily or permanently deprive the state of a right or benefit to such moneys or appropriate such moneys to his own use or that of another not entitled to such moneys, he shall be deemed to be guilty of embezzlement of funds, the property of the state, and upon conviction shall be punished as if convicted of larceny of a like sum.

Section 103. Section 206.14, Florida Statutes, is renumbered as section 206.355, Florida Statutes, and amended to read:

~~206.355~~ ~~206.14~~ Inspection of records; audits; hearings; ~~forms; rules and regulations.~~—

~~(1) The department shall have the authority to prescribe all forms upon which reports shall be made to it and any other forms required for the proper administration of this law and shall prescribe and publish all rules and regulations for the enforcement of this part, which rules and regulations shall have the force and effect of law.~~

(1)(2) The department or any authorized deputy, employee, or agent is authorized to audit and examine the records, books, papers, and equipment of refiners, importers, wholesalers, jobbers, retail dealers, terminals, or common carriers to verify the truth and accuracy of any statement or report and ascertain whether or not the tax imposed by this law has been paid. No prior written notification is necessary when the department believes the tax imposed under this chapter ~~and part II of chapter 212~~ to be in jeopardy. The department may correct by credit or refund any over-

payment of tax, penalty, or interest revealed by an audit and shall make assessment of any deficiency in tax, penalty, or interest determined to be due.

(2)(3) The department or any of its duly authorized agents shall have the power in the enforcement of the provisions of this part to hold hearings, administer oaths to witnesses, and take sworn testimony of any person and cause it to be transcribed into writing; and for such purposes the department is authorized to issue subpoenas and subpoenas duces tecum, compel the attendance of witnesses and records, and conduct such investigations as it may deem necessary.

(3)(4) If any person unreasonably refuses access to such records, books, papers or other documents, or equipment, or if any person fails or refuses to obey such subpoenas duces tecum or to testify, except for lawful reasons, before the department or any of its authorized agents, the department shall certify the names and facts to the clerk of the circuit court of any county; and the circuit court shall enter such order against such person in the premises as the enforcement of this law and justice requires.

(4)(5) In any action or proceeding for the collection of the tax and penalties or interest imposed in connection therewith, an assessment by the department of the amount of the tax, penalties, or interest due shall be prima facie evidence of the claim of the state, and the burden of proof shall be upon the person charged to show the assessment was incorrect and contrary to law.

Section 104. Section 206.18, Florida Statutes, is renumbered as section 206.363, Florida Statutes, and subsection (1) of said section is amended to read:

~~206.363~~ ~~206.18~~ Discontinuance or transfer of business; liability of tax, procedure; penalty for violation.—

(1) Whenever a person ceases to engage in business as a refiner, importer, jobber, retail dealer, or wholesaler within the state by reason of the discontinuance, sale, or transfer of the business, such person shall notify the department in writing at least 10 days prior to the time the discontinuance, sale, or transfer takes effect. Such notice shall give the date of discontinuance and, in the event of a sale or transfer of the business, the date thereof and the name and address of the purchaser or transferee. All gas taxes, penalties, and interest not due and payable under the provisions of the laws of this state shall, notwithstanding such provisions, become due and payable concurrently with such discontinuance, sale, or transfer; and any such person shall, concurrently with such discontinuance, sale, or transfer, make a report, pay all such taxes, interest, and penalties, and surrender to the department the license certificate theretofore issued to said person by the department.

Section 105. Section 206.06, Florida Statutes, is renumbered as section 206.365, Florida Statutes, and amended to read:

~~206.365~~ ~~206.06~~ Estimate of amount of gas taxes due and unpaid.—

(1) Whenever any refiner, importer, jobber, or wholesaler neglects or refuses to make and file any report for any calendar month, as required by the gas tax laws of this state, or files an incorrect or fraudulent report, or is in default in the payment of any gas taxes and penalties thereon payable under the laws of this state, the department shall, from any information it may be able to obtain from its office or elsewhere, estimate the number of gallons of motor fuel with respect to which the refiner, importer, jobber, or wholesaler has become liable for taxes under the gas tax laws of this state and the amount of taxes due and payable thereon, to which sum shall be added a penalty and interest as provided in s. ~~206.305~~ ~~§ 206.44~~.

(2) In any action or proceeding for the collection of the gas tax and any penalties or interest imposed in connection therewith, an assessment by the department of the amount of the tax due and interest or penalties due to the state shall constitute prima facie evidence of the claim of the state, and the burden of proof shall be upon the refiner, importer, jobber, or wholesaler to show that the assessment was incorrect or contrary to law.

~~(3) If any refiner, importer, or wholesaler fails to make a complete report, including all schedules, the department shall add, in addition to any other penalty or interest due, a penalty in the amount of \$100.~~

Section 106. Section 206.07, Florida Statutes, is renumbered as section 206.403, Florida Statutes, and amended to read:

~~206.403~~ ~~206.07~~ Suits for collection of unpaid taxes.—

(1) Upon demand of the department, the Department of Legal Affairs or any state attorney of any judicial circuit shall bring appropriate actions in the name of the state, or in the name of the Department of Revenue in the capacity of its office, for the recovery of the above-mentioned taxes, penalties, and interest, and judgment shall be rendered for the amount so found to be due together with costs. However, if it shall be found as a fact that such failure to pay was willful on the part of any person, refiner, importer, jobber, or wholesaler, judgment shall be rendered for double the amount of the tax found to be due with costs. The department may employ an attorney at law to institute and prosecute proper proceedings to enforce payment of the gas taxes provided for by the laws of this state and the penalties and interest provided for by part I or part II of this chapter and to fix the compensation for the services of said attorney at law.

(2) Any seller and purchaser convicted of conspiring to defraud the state of any tax imposed under this chapter may be held liable for the tax and any penalty and interest due on such tax.

Section 107. Section 206.075, Florida Statutes, is renumbered as section 206.408, Florida Statutes, and subsection (4) of said section is amended to read:

**206.408 206.075** Department's warrant for collection of unpaid taxes.—

(4) Nothing in this section shall be construed as forfeiting or waiving any rights to collect such taxes, interest, or penalties by an action upon any bond that may be filed with the department under the provisions of ~~part I or part II of this chapter~~ or by suit or otherwise; and in case such suit, action, or other proceeding is instituted for the collection of the tax, such suit, action, or other proceeding shall not be construed as waiving any other right herein provided. Any civil proceeding under ~~part I or part II of this chapter or part II of chapter 212~~ shall not be construed as a waiver or estoppel in any criminal proceeding against such person under ~~part I or part II of this chapter or part II of chapter 212~~.

Section 108. Section 206.19, Florida Statutes, is renumbered as section 206.433, Florida Statutes, and amended to read:

**206.433 206.19** Claim of state under gas tax laws; settlement or compromise for less than full amount due not authorized.—The department shall have no right, power, or authority to settle or compromise any claim of the state accruing under the gas tax laws of this state for a sum less than the full amount due, in conformity with ~~part I or part II of this chapter~~.

Section 109. Section 206.21, Florida Statutes, is renumbered as section 206.4351, Florida Statutes, and subsection (1) of said section is amended to read:

**206.4351 206.21** Trial of issues interposed by defense; sale, etc.—

(1) Should any person appear at the hearing provided for in s. 206.465 ~~s. 206.205~~ and claim the things seized and interpose any defense to the affidavit mentioned in said section, the circuit judge shall determine whether the evidence adduced proves beyond a reasonable doubt that such things are forfeited and make his written order accordingly. If he shall determine in the affirmative, such things shall be sold by the sheriff in the same manner and upon the same terms and conditions as provided in s. 206.465 ~~s. 206.205~~, but if he shall determine in the negative respecting all or any of such things, the part not forfeited shall be returned to the person legally entitled thereto.

Section 110. Section 206.215, Florida Statutes, is renumbered as section 206.443, Florida Statutes, and amended to read:

**206.443 206.215** Costs and expenses of proceedings.—

(1) For the performance of the duties required of the sheriff by the provisions of ~~ss. 206.4351 and 206.465 ss. 206.205 and 206.21~~ he shall receive the same fees provided by law for the arrest and return of persons charged with crime, including the same mileage and the actual cost of transporting such things, and all such fees and compensations shall be paid out of the proceeds of the sale.

(2) The clerks of the courts performing duties under the provisions aforesaid shall receive the same fees as prescribed by the general law for the performance of similar duties, and witnesses attending any investigation pursuant to subpoena shall receive the same mileage and per diem as if attending as a witness before the circuit court in term time.

(3) All fees and costs provided for shall be paid from the proceeds of the sale, or if there be no sale or if the proceeds of such sale be insufficient to meet such fees and costs then such fees and costs shall be paid out of the Gas Tax Collection Trust Fund or other funds available for the enforcement of the gas tax laws by the department.

(4) In the event the proceeds of the sale are more than sufficient to pay all costs and fees attending the sale, then the surplus thereof shall be sent to the department to be disposed of as provided for the disposition of the taxes collected under the gas tax laws of the state; provided, however, that any property seized under s. 206.465 ~~s. 206.205~~ against which there is existing a mortgage lien or retain title contract held by a person who has no knowledge that such property is being used for the purpose of illegally evading or avoiding the payment of the gas taxes provided for under the laws of the state, then such seizure shall not invalidate such lien or retain title contract, but the same shall be paid out of any funds derived from a sale of said property, provided the retain titleholder or mortgagee shall within 30 days after seizure come into court and set up his claim to such retained title lien or mortgage.

Section 111. Section 206.24, Florida Statutes, is renumbered as section 206.453, Florida Statutes, and amended to read:

**206.453 206.24** Department and agents may make arrests, seize property, and execute warrants.—

(1) The department and its deputies, agents, and employees may make arrests without warrants for any violation of the provisions of this part. Any person arrested for violation of any provision of this part shall be surrendered without delay to the sheriff of the county in which the arrest was made and formal complaint made against him, in accordance with law.

(2) The department and its deputies, agents, and employees also may seize property as set out in ss. 206.4351, 206.443, and 206.465 ~~ss. 206.205, 206.21, and 206.215~~, and upon said seizure being made shall surrender without delay such seized property to the sheriff of the county where said property was seized for further procedure as set out in said sections.

(3) When the department deems advisable, it may direct the warrant provided for in s. 206.408 ~~s. 206.075~~ to one of the said department's deputies, agents, and employees who shall then execute said warrant and proceed thereon in the same manner provided for sheriffs in such cases.

Section 112. Section 206.27, Florida Statutes, 1988 Supplement, is renumbered as section 206.503, Florida Statutes, and amended to read:

**206.503 206.27** Records and files as public records.—

(1) The records and files in the office of the department appertaining to ~~part I and part II of this chapter and part II of chapter 212~~ shall be available in Tallahassee to the public at any time during business hours. The department shall prepare a list each month of all current licensed refiners, importers, jobbers, and wholesalers which also shall include all new licenses issued and all licenses canceled during the past 12 months, and mail a copy thereof to each licensee. Such list shall be used to verify license numbers of purchasers issuing exemption certificates or affidavits.

(2) Notwithstanding s. 119.14, nothing herein shall be construed as requiring the department to provide as a public record any information concerning audits in progress or those records and files of the department described in this section which are currently the subject of pending investigation by the Department of Revenue or the Florida Department of Law Enforcement. It is specifically provided that the foregoing information shall be exempt from the provisions of s. 119.07(1) and shall be considered confidential pursuant to s. 213.053. Any officer, employee, or former officer or employee of the department who divulges any such information in any manner except for such official purposes or under s. 213.053 is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or, s. 775.083, ~~or s. 775.084~~. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 113. Section 206.59, Florida Statutes, is renumbered as section 206.525, Florida Statutes, and amended to read:

**206.525 206.59** Department to make rules; powers.—

(1) The department shall make rules and regulations, which shall have the force and effect of law, to govern reports and accounts by all persons dealing in or handling motor fuel for the purpose of enabling the department to ascertain whether or not any motor fuels are being dealt



with, handled, or stored in this state under such circumstances as to become liable to the tax imposed by any law relating to a tax on motor fuel.

(2) The department is further given power to investigate, or cause to be investigated under its authority, all cases involving dealing in motor fuel by persons receiving, handling, or storing the same and to determine from such investigation whether or not any section in this chapter ~~or part II of chapter 212~~ relating to the gas tax is being evaded or illegally avoided. The determination of the department in any case shall be prima facie valid and authentic in all courts in this state and in all actions involving the validating of taxes on persons subject to the provisions of ~~part I or part II of this chapter or part II of chapter 212~~.

(3) The department may investigate and audit inventories, receipts, and disposals of motor fuel to ascertain the validity of all taxes collected and remitted to the department. Any motor fuel which cannot be accounted for by a refiner, importer, jobber, or wholesaler is subject to all taxes levied under this part. Any person who collects on any one sale of motor fuel more tax than was paid when purchased by that person is liable for the difference in tax plus all applicable interest and penalties. If any person fails to properly remit this difference, the penalty shall be equal to 100 percent of the tax.

(4) The department may assess and collect any tax, penalty, or interest against any person who purchases, receives, or disposes of motor fuel in violation of any provision of this part.

(5) *The department shall have the authority to prescribe all forms upon which reports shall be made to it and any other forms required for the proper administration of this law and shall prescribe and publish all rules and regulations for the enforcement of this part, which rules and regulations shall have the force and effect of law.*

Section 114. Section 206.406, Florida Statutes, is renumbered as section 206.553, Florida Statutes, and amended to read:

~~206.553~~ ~~206.406~~ Disposition of license tax funds.—All moneys derived from the license tax pursuant to ~~ss. 206.151, 206.152, 206.154, and 206.156 ss. 206.02, 206.021, 206.022, and 206.404~~, shall be paid into the State Treasury to the credit of the General Revenue Fund.

Section 115. Section 206.45, Florida Statutes, is renumbered as section 206.555, Florida Statutes, and amended to read:

~~206.555~~ ~~206.45~~ Payment of tax into State Treasury.—All moneys derived from the gas taxes imposed by ~~s. 206.101~~ this part shall be paid into the State Treasury by the department for deposit in the Gas Tax Collection Trust Fund, which fund is hereby created and from which fund the department shall maintain a balance of at least \$50,000 within the fund after making the following transfers shall be made:

(1) The constitutional gas tax shall be remitted to the State Board of Administration for distribution as provided in ~~s. 206.565~~ the State Constitution.

(2) The county gas tax collected pursuant to ~~s. 206.101(1)(b) s. 206.60~~, as such may be amended by the 1971 Legislature, shall be distributed as ~~therein provided in s. 206.573~~.

(3) The municipal gas tax collected pursuant to ~~s. 206.101(1)(c) s. 206.605~~ shall be distributed as ~~therein provided in s. 206.575~~.

(4) *The tax collected pursuant to s. 206.101(1)(d) shall be distributed as provided in s. 206.585.*

(5) *The tax collected pursuant to s. 206.101(1)(e) shall be distributed as provided in s. 206.585.*

~~Nothing in this section shall be construed to authorize a deduction from the constitutional gas tax in order to maintain any balance in the Gas Tax Collection Trust Fund.~~

Section 116. Section 206.47, Florida Statutes, is renumbered as section 206.565, Florida Statutes, and subsections (5), (9), and (10) of said section are amended to read:

~~206.565~~ ~~206.47~~ Distribution of constitutional gas tax pursuant to State Constitution.—

(5)(a) The distribution factor, "the tax collected on retail sales or use in each county," shall be based upon a certificate of the Department of Revenue of the taxable gallons attributable to each county as of June 30

for each fiscal year. The Department of Revenue shall furnish a certificate to the State Board of Administration on or before July 31 following the end of each fiscal year, and such certificate shall be conclusive as to the tax collected on retail sales or use in each county for the prior fiscal year. The factor based on such certificate shall be applied to the gas tax collections for the following fiscal year beginning July 1 and ending June 30.

(b) For the purpose of this section, "taxable gallons attributable to each county" shall be calculated as a consumption factor for each county divided by the sum of such consumption factors for all counties, and multiplied by the total gallons statewide upon which a tax was paid pursuant to ~~s. 206.101(1)(a) s. 206.41~~. For each county which, during the previous fiscal year, had imposed imposing a tax pursuant to ~~s. 206.102(1) or s. 206.102(2) for a full 12 months s. 336.021 or s. 336.025~~, the consumption factor shall be the gallons upon which the county's tax was paid under either or both of said sections. For each other county, the consumption factor shall be calculated as the taxable gallons yielding the tax amount certified pursuant to this section for fiscal year 1984-1985 for the county, multiplied by the quotient of the statewide total taxes collected pursuant to ~~s. 206.101(1)(a) s. 206.41~~ for the current year divided by the statewide total taxes certified pursuant to this section for fiscal year 1984-1985.

(9) The State Board of Administration ~~shall will~~, in each fiscal year, distribute the 80-percent surplus gas tax allocated to each county to the debt service requirements of each bond issue pledging the 80-percent surplus accruing to that county under the provisions of s. 16, Art. IX of the State Constitution of 1885, as amended. The remaining 80-percent surplus gas tax funds will be advanced monthly, to the extent practicable, to the boards of county commissioners for use in the county.

(10) The State Board of Administration ~~shall will~~, in each fiscal year, distribute the 20-percent surplus gas tax allocated to each county to the debt service requirements of each bond issue pledging the 20-percent surplus accruing to that county under the provisions of s. 16, Art. IX of the State Constitution of 1885, as amended. The remaining 20-percent surplus gas tax funds will be advanced monthly, to the extent practicable, to the boards of county commissioners for use in the county.

Section 117. Section 206.60, Florida Statutes, is renumbered as section 206.573, Florida Statutes, and amended to read:

~~206.573~~ ~~206.60~~ Distribution of county tax on motor fuel.—

~~(1) In addition to all other taxes required by law, a tax of 1 cent per gallon is imposed upon the first sale or first removal from storage, after importation into this state, of motor fuel. For purposes of this subsection, the term "first sale" does not include exchanges or loans, gallon-for-gallon, of motor fuel between licensed refiners before the fuel has been sold or removed through the loading rack or transfers between terminal facilities owned by the same taxpayer. The tax on motor fuel first imported into this state by a licensed refiner storing such fuel in a terminal facility shall be imposed when the product is first removed through the loading rack. The tax shall be remitted by the licensed refiner who owned the motor fuel immediately prior to removal of such fuel from storage.~~

~~(1)(2) The proceeds of the such tax imposed under s. 206.101(1)(b) are hereby appropriated for public transportation purposes in the manner following:~~

(a) The department, after deducting its expenses of collection, which shall include the administrative costs incurred by the department in the collection, administration, and distribution back to the counties of the taxes levied pursuant to ~~s. 206.101(1)(b) this section~~, and after transferring to the General Revenue Fund the service charge provided for by s. 215.20, shall monthly divide the proceeds of such tax in the same manner as the constitutional gas tax pursuant to ~~s. 206.565 s. 206.47~~ and the formula contained in s. 9(c)(4), Art. XII of the revised State Constitution of 1968.

(b)1. The Department of Revenue shall, from month to month, distribute the amount allocated to each of the several counties under paragraph (a) to the board of county commissioners of the county, who shall use such funds solely for the acquisition of rights-of-way; the construction, reconstruction, operation, maintenance, and repair of transportation facilities, roads, and bridges therein; or the reduction of bonded indebtedness of such county or of special road and bridge districts within such county, incurred for road and bridge or other transportation purposes. In the event the powers and duties relating to transportation facilities,

roads, and bridges usually exercised and performed by boards of county commissioners are exercised and performed by some other or separate county board, such board shall receive the proceeds, exercise the powers, and perform the duties designated in this section to be done by the boards of county commissioners.

2. On and after October 1, 1971, the board of county commissioners of each county, or any separate board or local agency exercising the powers and performing the duties relating to transportation facilities, roads, and bridges usually exercised and performed by the boards of county commissioners, shall be assigned the full responsibility for the maintenance of transportation facilities in the county and of roads in the county road system.

3. In calculating the distribution of funds under paragraph (a), the Department of Revenue shall obtain from the Auditor General the certification of the level of assessment in each district and shall pay only the amount of money which is derived by multiplying said ratio and the amount which would be due a district under paragraph (a). The funds which are raised under this section but are not distributed under this section shall be deposited in the Gas Tax Collection Trust Fund. All funds placed in the Gas Tax Collection Trust Fund shall be distributed in the same manner as provided in paragraphs (a) and (b).

4. Nothing in this paragraph as amended by chapter 71-212, Laws of Florida, shall be construed to permit the expenditure of public funds in such manner or for such projects as would violate the State Constitution or the trust indenture of any bond issue or which would cause the state to lose any federal aid funds for highway or transportation purposes; and the provisions of this paragraph shall be applied in a manner to avoid such result.

(2)(3) The gasoline inspection laws of the state shall be and are declared to be applicable to the enforcement of this section.

(3)(4) The license tax ~~herein~~ levied in s. 206.101(1)(b) shall be in addition to all other license taxes levied under the laws of the state and in addition to the dealer's license tax for each place of business levied under the provisions of the laws of the state.

(4)(5) It is hereby expressly recognized and declared by the Legislature that all public roads and bridges being constructed or built or which will be hereafter constructed or built, including the acquisition of rights-of-way as incident thereto, either by the Department of Transportation or the several counties of the state, were, are, and will be constructed and built as general public projects and undertakings and that the cost of the construction and building thereof, including the acquisition of rights-of-way as incident thereto, was, is, and will be legitimate, proper state expense incurred for a general public and state purpose. And it is expressly recognized and declared that the construction, reconstruction, maintenance, and acquisition of rights-of-way of all secondary roads are essential to the welfare of the state and that such roads when constructed, reconstructed, or maintained, or such rights-of-way when acquired, are and will be for a general public and state purpose. And the Legislature has found and hereby declares that for the proper and efficient construction and maintenance of public highways designated state roads, it is in the best interest of the state to further integrate the activities of the Department of Transportation and the several boards of county commissioners as provided in subsection (1) (2) in order that both state and local highway needs may be adequately provided for.

(5)(6) It is declared to be the legislative intent that the funds derived from the tax imposed under s. 206.101(1)(b) ~~this section~~ shall be used in such manner and for the purposes aforesaid to reduce the burden of ad valorem taxes in the several counties.

Section 118. Section 206.605, Florida Statutes, is renumbered as section 206.575, Florida Statutes, and amended to read:

~~206.575~~ 206.605 *Distribution of municipal tax on motor fuel.*—

(1) ~~In addition to all other taxes required by law, a tax of 1 cent per gallon is imposed upon the first sale or first removal from storage, after importation into this state, of motor fuel. For purposes of this subsection, the term "first sale" does not include exchanges or loans, gallon for gallon, of motor fuel between licensed refiners before the fuel has been sold or removed through the loading rack or transfers between terminal facilities owned by the same taxpayer. The tax on motor fuel first imported into this state by a licensed refiner storing such fuel in a terminal facility shall be imposed when the product is first removed through the loading rack. The tax shall be remitted by the licensed refiner who owned the motor fuel immediately prior to removal of such fuel from storage.~~

(1)(2) The proceeds of the ~~such~~ tax imposed under s. 206.101(1)(c), after deducting the service charge pursuant to chapter 215, shall be transferred into the Revenue Sharing Trust Fund for Municipalities.

(2)(3) Funds available under this section shall be used only for purchase of transportation facilities and road and street rights-of-way, construction, reconstruction, maintenance of roads and streets; for the adjustment of city-owned utilities as required by road and street construction, and the construction, reconstruction, transportation-related public safety activities, maintenance, and operation of transportation facilities. Municipalities are authorized to expend the funds received under this section in conjunction with other cities or counties or state or federal government in joint projects.

(3)(4)(a) If any municipality subject to this section does not have the transportation facilities capability, the municipality may designate by resolution the projects to be undertaken, and the engineering may be thereafter performed and administered and the construction administered by the Department of Transportation or, in the case of a municipality, by the appropriate county, if such county has the capability and agrees to undertake the projects.

(b) In the event the municipality desires the Department of Transportation either to perform or administer the engineering services or to administer the construction, or both, it must so indicate at the time of the presentation of the annual budget or it must so designate at the time the county presents its annual budget.

Section 119. Section 212.69, Florida Statutes, as amended by section 46 of chapter 89-356, Laws of Florida, is renumbered as section 206.585, Florida Statutes, and amended to read:

~~206.585~~ 212.69 *Distribution of the tax on the privilege of selling motor fuel proceeds.*—

(1) Moneys collected pursuant to s. 206.101(1)(d) ~~this part shall be deposited in the Gas Tax Collection Trust Fund created by s. 206.45. Such moneys, exclusive of the service charge imposed by s. 215.20, and exclusive of refunds granted pursuant to s. 206.285 s. 212.67, shall be distributed monthly to the State Transportation Trust Fund, except that \$3.8 million per year shall be transferred to the Department of Natural Resources in equal monthly amounts; \$1 million of this amount shall be spent solely for nonchemical control of aquatic weeds, research into nonchemical controls, and enforcement of aquatic weed control programs.~~

(2) ~~Not less than 10 percent of the moneys deposited in the State Transportation Trust Fund pursuant to subsection (1) shall be allocated by the Department of Transportation for public transit and rail capital projects, including service development projects, as defined in s. 341.031(4) and (5), unless otherwise provided in the General Appropriations Act.~~

(2)(3) All funds transferred in this section to the Department of Natural Resources shall be used for eradication of, control of, and research in water hyacinths and noxious aquatic vegetation.

(3) Moneys collected pursuant to s. 206.101(1)(e), exclusive of the service charge imposed by s. 215.20, and exclusive of refunds granted pursuant to s. 206.285, shall be deposited in the State Transportation District Gas Tax Trust Fund, which is hereby created for distribution to the State Transportation Trust Fund for use solely and exclusively in the district within which the tax is collected. If the tax collected pursuant to s. 206.101(1)(e) is levied in all seven transportation districts, the provision of this subsection shall not apply and such funds shall be deposited in the State Transportation Trust Fund and used pursuant to s. 339.135(4).

Section 120. Section 206.703, Florida Statutes, is created to read:

206.703 *Levy of tax.*—

(1) The following taxes are levied upon every gallon of special fuel used or sold for use or consumption in this state, except alternative fuels which are subject to the fee imposed by s. 206.775:

(a) An excise tax of 4 cents per gallon; and

(b) An additional tax equal to 6 percent of the total retail price per gallon, rounded to the nearest tenth of a cent, but not less than 6.9 cents per gallon, which tax is a tax on the privilege of selling special fuel. Before July 1 of each year, the department shall determine the appropriate tax rate applicable to the retail price per gallon of special fuel as provided in s. 206.101(1)(d).

(c) An additional tax of 4 cents per gallon, which tax shall be adjusted on July 1 of each year by the percentage change calculated pursuant to s. 206.101(1)(d)1. However, such tax shall be levied in only those Department of Transportation districts in which the tax levied pursuant to s. 206.101(1)(e) is levied.

(2)(a) A privilege tax at the rate specified in paragraph (b) is levied upon each gallon of special fuel used or sold for use or consumption in each county and taxed under subsection (1), except alternative fuels which are subject to the fee imposed by s. 206.775, for the purpose of paying the costs and expenses of establishing, operating, and maintaining a transportation system and related facilities and the cost of acquisition, construction, reconstruction, and maintenance of roads and streets.

(b) The department shall determine the tax rate for each county by October 1 of each year. It shall be equal to the higher of the following two rates:

1. The combined tax rates levied on motor fuel by the county pursuant to s. 206.102; or

2. A tax rate of 0 cents per gallon for calendar years 1990 and 1991, 4 cents per gallon for calendar year 1992, 5 cents per gallon for calendar year 1993, 6 cents per gallon for calendar year 1994, and 7 cents per gallon thereafter.

(c)1. The department shall deposit any tax collected pursuant to paragraph (a) into the Local Government Special Fuel Tax Trust Fund, which fund is created for distribution of such moneys to counties and municipalities. The Local Government Special Fuel Tax Trust Fund is subject to the service charge imposed in s. 215.20.

2. The department shall calculate the amount of tax collected pursuant to this subsection within each county area based upon gallons reported sold in each county. Such amounts shall be distributed by the department to the county government and to municipal governments within the county in the same manner as local option motor fuel taxes are distributed pursuant to s. 206.102. However, any amount refunded under s. 206.285(1)(a) or (e) shall be deducted from moneys in the Local Government Special Fuel Tax Trust Fund otherwise distributed to the county in which the tax is levied.

(3) Unless expressly provided to the contrary in this part, every sale shall be deemed to be for use in this state. This levy of tax shall be paid upon the first sale or transfer of title within this state by a dealer, except as expressly provided in this part, who shall act as agent for the state in the collection of such tax whether he is the ultimate seller or not.

(4)(a) A dealer may purchase special fuel without the tax imposed by this section being paid upon the first sale or transfer of title in the state, and he shall pay the tax on all special fuel used or sold by him and shall act as agent for the state in the collection and payment thereof.

(b) All special fuel sold, transferred, or delivered by a licensed dealer of special fuel to any person who does not hold a valid dealer's license is taxable, except as provided by s. 206.755(1).

(c) The department may assess and collect any tax, penalty, and interest against any person or dealer who purchases, receives, or disposes of special fuel in violation of this part.

Section 121. Section 206.89, Florida Statutes, as amended by section 14 of chapter 89-356, Laws of Florida, is renumbered as section 206.713, Florida Statutes, and amended to read:

~~206.713~~ ~~206.89~~ Licenses; necessity; prerequisites; issuance; nonassignability.—

(1)(a) No person shall act as a dealer unless he holds a valid dealer's license issued by the department. However, a service station shall not be required nor be eligible to be licensed as a dealer. A person who has no facilities for placing special fuel into the supply system of a motor vehicle and who sells into containers of 5 gallons or less shall not be required to be licensed as a dealer.

(b) Any person who acts as a dealer and does not hold a valid dealer's license shall pay a penalty of 25 percent of the tax assessed on the local purchases.

(2) To procure a dealer's license, a person shall file with the department an application in such form as the department may prescribe, with a bond. No license shall be issued upon any application unless accompanied by such bond, except as provided in s. 206.715(1) ~~s. 206.90(1)~~.

(3) When an application for a dealer's license is filed by a person whose license has been canceled for cause by the department or when the department is of the opinion that such application is not filed in good faith or is filed by some person as a subterfuge for the real person in interest whose license has theretofore been canceled, the department shall have authority, if the evidence warrants, to refuse to issue to that person a license.

(4) At the time of filing an application for a license, a filing fee of \$5 shall be paid to the department for deposit into the General Revenue Fund.

(5) All requirements of this section having been complied with, the department shall issue to the applicant a license, ~~and such license shall remain in effect until canceled as provided in this part.~~

(6) Such license shall not be assignable and shall be valid only for the dealer in whose name issued. It shall be displayed conspicuously by the dealer in the principal place of business for which it was issued.

(7) Every person as defined in this part, including, but not limited to, a state agency, federal agency, municipality, county, or special district, which operates or acts under the provisions of s. 206.702(10) ~~s. 206.86(10)~~ is required to obtain a license as a dealer of special fuel and report monthly to the department, or pay tax on all fuel purchases.

Section 122. Section 206.90, Florida Statutes, is renumbered as section 206.715, Florida Statutes, and subsection (1) of said section is amended to read:

~~206.715~~ ~~206.90~~ Bond required of licensed dealers.—

(1) Every dealer, except a municipality, county, state agency, federal agency, school board, or special district which is licensed as a dealer under this part, shall file with the department a bond or bonds in the penal sum of not more than \$100,000. The sum of such bond shall be approximately 3 times the average monthly special fuels tax imposed under s. 206.703(1) ~~and sales tax on special fuels paid or due by such dealer during the preceding 12 calendar months under this part, with a surety approved by the department, upon which the dealer shall be the principal obligor and the state shall be the obligee, conditioned upon the faithful compliance with the provisions of this part and of part II of chapter 212.~~ If the sum of 3 times a dealer's average monthly tax is less than \$50, no bond shall be required.

Section 123. Section 206.91, Florida Statutes, as amended by section 15 of chapter 89-356, Laws of Florida, is renumbered as section 206.745, Florida Statutes, and amended to read:

~~206.745~~ ~~206.91~~ Tax reports; computation and payment of tax.—

(1) For the purpose of determining the amount of tax imposed by s. 206.703 ~~s. 206.87~~, each dealer shall, not later than the 20th day of each calendar month, mail to the department, on forms prescribed by the department, monthly reports which shall show such information on inventories, purchases, nontaxable disposals, and taxable sales in gallons of each type of special fuel, including, but not limited to, diesel and heating fuel, kerosene, butane gas, propane gas, and all other forms of liquefied petroleum gases, for the preceding calendar month as may be required by the department. However, if the 20th day falls on a Saturday, a Sunday, or a federal or state legal holiday, returns shall be accepted if postmarked on the next succeeding workday. The reports shall contain or be verified by a written declaration that such report is made under the penalties of perjury. The dealer shall deduct from the amount of tax shown by the report to be payable an amount equivalent to 6 percent of the tax on special fuels imposed by s. 206.703(1)(a) ~~this part not exceeding 500,000 taxable gallons, and less an amount equivalent to 3 percent of the tax on special fuels imposed by s. 206.703(1)(a) this part in excess of 500,000 taxable gallons but not exceeding 1,000,000 taxable gallons, which deduction is hereby allowed to the dealer on account of services and expenses in complying with the provisions of this part.~~ This allowance shall not be deductible unless payment of the tax is made on or before the 20th day of the month as herein required. Nothing in this subsection shall be construed to authorize a deduction from the constitutional gas tax.

(2) All dealers shall report monthly:

(a) The consumption of special fuel by the licensee and the county or counties in which the gallons of special fuel were consumed.

(b) All sales to the ultimate consumer and the county or counties to which the gallons of special fuel were delivered.

(c) All sales to retail dealers and service stations and the county or counties to which the gallons of special fuel were delivered.

(3)(2) At the time of filing the monthly report, each dealer shall pay to the department the full amount of special fuels tax for the preceding calendar month at the rate provided for in s. 206.703 ~~s. 206.87~~, less the amount allowable to the dealer on account of services and expenses as provided in subsection (1).

(4)(3) The department may authorize a quarterly return and payment of tax when the tax remitted by the dealer for the preceding quarter did not exceed \$100, and may authorize a semiannual return and payment of tax when the tax remitted by the dealer for the preceding 6 months did not exceed \$200.

Section 124. Section 206.87, Florida Statutes, 1988 Supplement, is renumbered as section 206.755, Florida Statutes, and amended, and section 212.637, Florida Statutes, 1988 Supplement, is transferred to said section as paragraph (h) of subsection (1), and amended to read:

**206.755 206.87 Exemptions Levy of tax.—**

(1) ~~An excise tax of 4 cents per gallon is hereby imposed upon every gallon of special fuel used or sold in this state for use, except alternative fuels which are subject to the fee imposed by s. 206.877. Unless expressly provided to the contrary in this part, every sale shall be deemed to be for use in this state. This levy of tax shall be paid upon the first sale or transfer of title within this state by a dealer, except as expressly provided in this part, who shall act as agent for the state in the collection of such tax whether he is the ultimate seller or not.~~

(2)(a) ~~A dealer may purchase special fuel without the tax imposed by this section being paid upon the first sale or transfer of title in the state, and he shall pay the tax on all special fuel used or sold by him and shall act as agent for the state in the collection and payment thereof.~~

(b) ~~All special fuel sold, transferred, or delivered by a licensed dealer of special fuel to any person who does not hold a valid dealer's license is taxable, except as provided by subsection (3).~~

(c) ~~The department has the authority to assess and collect any tax, penalty, and interest against any person or dealer who purchases, receives, or disposes of special fuel in violation of the provisions of this part.~~

(1)(3) ~~Upon the issuance of a valid resale certificate or an exemption certificate, the consumption or following sales described in this subsection are not subject to any the tax herein imposed under s. 206.703(1)(a) or s. 206.703(2), and the consumption or sales described in paragraphs (d), (e), (f), (g), and (h) are not subject to any tax imposed under s. 206.703(1)(b) or s. 206.703(1)(c):~~

(a) Sales by a dealer when the special fuel is delivered by him into the purchaser's storage facilities, which are located at the purchaser's premises, place of business, or job site, and when the special fuel is to be used for:

1. Cooking or home heating;
2. Industrial, commercial, agricultural, or marine purposes, if the purchaser is not a dual user and furnishes the dealer with an exemption certificate which states that no portion of the special fuel purchased is to be used in a motor vehicle; or
3. Consumption for nonhighway purposes, if the purchaser is not a dual user.

(b) Sales at the dealer's place of business of not more than 1,000 gallons by a dealer to a person who is not a licensed dealer, if the special fuel is placed by the dealer into a receptacle not connected to the fuel supply system of a motor vehicle and the special fuel is solely for consumption other than use.

(c) Sales of 5 gallons or less by a person not a dealer who has no facilities for placing special fuel in the fuel supply system of a motor vehicle.

(d) Exports of special fuel by a dealer from the state when exempted by any provision of the constitutions of the United States or the State of Florida. The sale for export from the state of special fuel which is not exempted from the taxes imposed by this part by either the constitution

of the United States or of the state shall also be exempt, but only if both the seller and the exporter of the special fuel are duly licensed as dealers of special fuel under the terms of this part.

(e) ~~Transfers or deliveries of special fuel into the fuel supply tank of a motor vehicle operated by a common carrier when the fuel is used on highways in another state, provided the common carrier is a duly licensed dealer who is under the jurisdiction of the Florida Public Service Commission and files timetables of schedules showing operations on regular routes in interstate commerce with the Florida Public Service Commission and maintains a complete record of miles operated; and provided the tax on the special fuel deducted for use in another state is paid to the taxing authorities of that state. However, when the dealer maintains adequate records of vehicle consumption of fuel as related to miles traveled and such records show more mileage per gallon than standards determined by the department for mileage per gallon, the miles shown by such records may be used for computing the exemption on a mileage basis.~~

(e)(f) Sales or use by a dealer of special fuel consumed by a power takeoff or engine exhaust for the purpose of unloading bulk cargo by pumping or turning a concrete mixer drum used in the manufacturing process, or for the purpose of compacting solid waste, which is mounted on a motor vehicle and which has no separate fuel tank or power unit.

(f)(g)1. Transfers or deliveries of special fuel into the fuel supply tank of a motor vehicle regularly engaged in interstate travel when such fuel is used on the highways of another state, provided:

- a.1. The transfer or delivery occurs within this state and is executed by a duly licensed dealer who is regularly engaged in interstate travel;
- b.2. A similar tax is paid in another state; and
- c.3. The tax is paid to this state on all special fuel brought into the state and used in this state.

2. Any licensed dealer claiming such exemption must have evidence of the payments of such tax and must keep records showing the number of trips out of the state, the number of trips into the state, the number of gallons of special fuel carried out of state in fuel tanks, and the number of gallons brought into the state in fuel tanks for use in this state. However, when the dealer maintains adequate records of vehicle consumption of fuel as related to miles traveled and such records show more mileage per gallon than standards determined by the department for mileage per gallon, the miles shown by such records may be used for computing the exemption on a mileage basis.

(g) Sales to the United States Government or its departments or agencies when:

1. Delivered in bulk lots of not less than 500 gallons in each delivery to be used in motor vehicles owned and operated by the United States Government departments and agencies; or
2. Purchased for heating or for off-road purposes.

(h) ~~212.637 Sale of special fuel used for certain agricultural, aquacultural, or commercial fishing purposes; exemption.—The sale of any special fuel for use in any tractor, vehicle, or other equipment which is used exclusively for cultivating or processing agricultural or aquacultural products on the site where such products are cultivated; for transporting bees by water; for operating equipment used in a beekeeper's apiary; or for use in the operation of boats, vessels, or equipment used exclusively for the taking of fish, crayfish, oysters, shrimp, or sponges from salt or fresh waters under jurisdiction of the state for resale to the public is exempt from the tax levied under s. 206.703(1)(b) or s. 206.703(1)(c) this part, if no part of the fuel is used in any vehicle or equipment driven or operated upon the public highways of this state, or required to be licensed to be driven or operated upon the public highways of this state. The movement of such a vehicle or equipment along the public highways of this state for the sole purpose of moving such vehicle or equipment from one such site to another does not constitute driving or operating such vehicle or equipment upon the public highways of this state.~~

(2)(4) All special fuel sold, transferred, or delivered by a licensed dealer of special fuel to any person who does not hold a valid dealer's license is taxable, except as provided by subsection (1)(3).

(3)(5) Any dealer who neglects, fails, or refuses to collect the tax upon any sale which is subject to the tax imposed by this part is liable for the payment of all tax, penalties, and interest.

(4)(6) A sale must be in strict compliance with the rules of the department, and any dealer making a sale for resale which is not in strict compliance with such rules shall himself be liable for and pay the tax.

(5)(7) Any person who has purchased at retail, used, consumed, distributed, or stored for use, resale, or consumption in this state fuel and cannot substantiate that the tax levied by this part has been paid to his vendor is directly liable to the state for any tax, interest, and penalty due on any such fuel.

(6)(8) Any person or dealer who:

(a) Issues or assists in issuing a fraudulent resale or exemption certificate to obtain nontaxed special fuel from a licensed dealer; or

(b) Has issued a resale or exemption certificate and whose exempt status has become nonexempt and who neglects, fails, or refuses to inform the licensed dealer to whom the certificate was issued of such change in status

is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, such person shall pay any tax due and any penalty and interest assessed, plus a mandatory penalty of not less than \$500 or an amount equal to 100 percent of the tax, whichever is greater.

(7) *The taxes levied under s. 206.703(1) do not apply to special fuels when purchased or consumed for stationary purposes. However, special fuels purchased or consumed for stationary purposes are taxable under chapter 212, unless specifically exempt.*

Section 125. Section 206.877, Florida Statutes, is renumbered as section 206.775, Florida Statutes, and subsections (1), (5), and (8) of said section are amended to read:

~~206.775 206.877~~ Motor vehicles fueled by liquefied petroleum gas or compressed natural gas; payment of annual decal fees in lieu of ~~taxes~~ tax.—

(1) ~~The taxes tax~~ imposed by s. 206.703 do ~~s. 206.87 does~~ not apply to motor vehicles licensed in this state pursuant to chapter 320 which are powered by alternative fuels and for which valid decals have been acquired as provided in this section.

(a) The owners or operators of such vehicles shall, in lieu of the ~~taxes~~ ~~excise tax~~ imposed by this part, pay an annual decal fee on each such motor vehicle in accordance with the following rate schedule:

Class	Vehicle License Category	Fee for each cent of tax imposed by s. 206.703(1)(c) and (2)	
		State Fee	chapter 336
A	Vehicles licensed pursuant to s. 320.08(1), (2), (3)(a)-(c), (e), (6)(a), and (9)(c)1.	\$44	\$11
B	Vehicles licensed pursuant to s. 320.08 (5)(b)-(e), (6)(b), (9)(c)2., and (14).	\$60	\$15
C	Vehicles licensed pursuant to s. 320.08(4).	\$84	\$21

(b) A person fueling vehicles from his own facilities shall, in addition to the state alternative fuel fee imposed by this section, pay a local alternative fuel fee in lieu of each cent of excise tax levied by a county pursuant to s. 206.703(2), ~~ss. 336.021 and 336.025~~. This local fee shall be \$11 for each cent of local excise tax on class "A" vehicles, \$15 for each cent of local excise tax on class "B" vehicles, and \$21 for each cent of local excise tax on class "C" vehicles. Those persons who do not operate their own fueling facilities shall indicate and pay the appropriate local fee for the particular county where the vehicles are predominantly used.

(5) Any person who violates the provisions of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or, s. 775.083, ~~or s. 775.084~~. In addition, any person who is liable for fueling a vehicle which does not have the proper decal affixed is subject to the provisions of this section and the provisions of s. 206.365 ~~s. 206.94~~.

(8) ~~The taxes excise tax~~ provided by s. 206.703(1)(a) and (c) and (2) ~~apply s. 206.87 applies~~ to purchases of alternative fuels by operators of vehicles licensed in other states and other vehicles which do not have the proper decals pursuant to this section.

Section 126. Section 206.875, Florida Statutes, 1988 Supplement, is renumbered as section 206.785, Florida Statutes, and amended to read:

~~206.785 206.875~~ Allocation of tax.—

(1) All moneys derived from the taxes imposed by s. 206.703(1) ~~this part~~ shall be paid into the State Treasury by the department for deposit in the Gas Tax Collection Trust Fund, ~~to which fund is created and from which the following transfers shall be made: After withholding \$10,000 from the proceeds of 4 cents of such tax, to be used as a revolving cash balance, all other moneys shall be transferred in the same manner and for the same purpose as provided by law for allocation of the taxes levied in part I, including transfer to the General Revenue Fund of the service charge provided for in s. 215.20.~~

(2) ~~It is the intent of the Legislature that this section be construed to provide for the distribution of the appropriate portion of the special fuels tax imposed by this part, in the same manner as provided by ss. 206.41, 206.45, 206.60, 206.605, and 206.625.~~

Section 127. Section 206.879, Florida Statutes, is renumbered as section 206.786, Florida Statutes, and amended to read:

~~206.786 206.879~~ State and local alternative fuel user fee clearing trust funds; distribution.—

(1) Notwithstanding the provisions of s. 206.785 ~~s. 206.875~~, the revenues from the state alternative fuel fees imposed by s. 206.775 ~~s. 206.877~~ shall be deposited into the State Alternative Fuel User Fee Clearing Trust Fund, which is hereby created. After deducting the service charge provided in s. 215.20, the proceeds in this trust fund shall be distributed as follows: 50 percent of the proceeds shall be transferred to the State Board of Administration for distribution according to the provisions of s. 16, Art. IX of the State Constitution of 1885, as amended; 25 percent shall be transferred to the Revenue Sharing Trust Fund for Municipalities; and the remaining 25 percent shall be distributed using the formula contained in s. 206.573(1) ~~s. 206.60(2)~~.

(2) Notwithstanding the provisions of s. 206.785 ~~s. 206.875~~, the revenues from the local alternative fuel fees imposed in lieu of s. 206.703(2) ~~s. 336.021 or s. 336.025~~ shall be deposited into the Local Alternative Fuel User Fee Clearing Trust Fund, which is hereby created. After deducting the service charge provided in s. 215.20, the proceeds in this trust fund shall be returned monthly to the appropriate county or authority.

Section 128. Section 206.97, Florida Statutes, 1988 Supplement, is renumbered as section 206.799, Florida Statutes, and amended to read:

~~206.799 206.97~~ Applicability of specified sections of part I.—The provisions of ss. 206.122, 206.125, 206.152, 206.154, 206.161, 206.162, 206.166, 206.172, 206.206, 206.213, 206.225, 206.235, 206.245, 206.253, 206.255, 206.275, 206.285, 206.303, 206.305, 206.325, 206.327, 206.329, 206.353, 206.355, 206.363, 206.365, 206.408, 206.413, 206.416, 206.423, 206.424, 206.433, 206.4351, 206.443, 206.4451, 206.453, 206.455, 206.463, 206.465, 206.503, 206.505, 206.525, 206.555, 206.563, 206.565, 206.573, 206.575, and 206.585 ~~ss. 206.026, 206.027, 206.028, 206.04, 206.055, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.19, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.23, 206.24, 206.25, 206.27, 206.28, 206.41(3), 206.425, 206.44, 206.49, 206.56, 206.59, 206.61, and 206.62~~ of part I of this chapter shall, as far as lawful or practicable, be applicable to the tax herein levied and imposed and to the collection thereof as if fully set out in this part. However:

(1) "Refiner, importer, jobber, or wholesaler" means "dealer."

(2) "Motor fuel" means "special fuel."

(3) No provision of any such section shall apply if it conflicts with any provision of this part.

(4) *The refund provisions of s. 206.285(1)(b) do not apply to special fuels.*

Section 129. Subsection (8) of section 206.01, Florida Statutes, is amended to read:

206.01 Definitions.—As used in part I of this chapter:

(8) "Jobber" means any person who holds a valid jobber of motor fuel license and who does not qualify for a license as a refiner, importer, or wholesaler under this chapter. A jobber's license grants the privilege of



storing and transporting tax-paid fuel in this state and making sales to persons other than the ultimate consumer, as well as the ultimate consumer.

Section 130. Subsection (3) of section 206.9915, Florida Statutes, is amended to read:

206.9915 Legislative intent and general provisions.—

(3) The provisions of ss. 206.01, 206.161, 206.164, 206.165, 206.166, 206.168, 206.206, 206.213, 206.225, 206.235, 206.275, 206.285(14), 206.303, 206.305, 206.325, 206.327, 206.329, 206.353, 206.355, 206.363, 206.365, 206.403, 206.408, 206.413, 206.416, 206.423, 206.424, 206.433, 206.4351, 206.443, 206.4451, 206.453, 206.455, 206.463, 206.465, 206.503, 206.505, 206.525, 206.702, 206.026, 206.027, 206.028, 206.055, 206.06, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.19, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.24, 206.27, 206.28, 206.425, 206.426, 206.44, 206.445, 206.48, 206.49, 206.56, 206.59, 206.86, 206.94, 206.945, and 206.945 shall, as far as lawful or practicable, be applicable to the levy and collection of taxes imposed pursuant to this part as if fully set out in this part and made expressly applicable to the taxes imposed herein.

Section 131. Section 206.9825, Florida Statutes, 1988 Supplement, as amended by section 1 of chapter 89-529, Laws of Florida, is amended to read:

206.9825 Aviation fuel tax.—

(1) An excise tax of 5.7 cents per gallon of aviation fuel is imposed upon every gallon of aviation fuel sold in this state, or brought into this state for use, upon which such tax has not been paid or the payment thereof has not been lawfully assumed by some person handling the same in this state. Fuel taxed pursuant to this part shall not be subject to the taxes imposed by s. 206.102 or s. 206.703(2) ss. 336.021, 336.025, and 336.026.

(2)(a) Notwithstanding the tax rate established in subsection (1), any air carrier making the election pursuant to s. 212.0598 shall be subject to a tax rate of 8 percent of the retail sales price of its purchases of each gallon of aviation fuel. However, in no event shall the tax on aviation fuel pursuant to this subsection be lower than 4.4 cents per gallon. The tax levied pursuant to this subsection shall qualify for the special apportionment formula for air carriers as provided in s. 212.0598.

(b) Any air carrier making the election pursuant to s. 212.0598 shall not be entitled to the refund provided in s. 206.9855.

(c) Any person who is licensed by the department as an aviation fuel dealer and who has an inventory of aviation fuel on which the tax provided in subsection (1) has been paid and upon which he has collected the tax imposed under this subsection may apply to the department for a refund of the tax imposed under subsection (1) pursuant to s. 206.285 s. 212.67.

(d) This subsection shall expire and be void on July 1, 1990. This repeal shall not be construed to relieve any person from the obligation to remit the tax imposed by this subsection or to report as required under s. 206.9865.

Section 132. Section 206.9845, Florida Statutes, is amended to read:

206.9845 Distribution of proceeds.—Moneys collected pursuant to this part shall be deposited in the Gas Tax Collection Trust Fund created by s. 206.555 s. 206.45. Such moneys, exclusive of the service charge imposed by s. 215.20 and exclusive of refunds granted pursuant to s. 206.9855, shall be distributed monthly to the State Transportation Trust Fund.

Section 133. Subsection (1) of section 206.9931, Florida Statutes, is amended to read:

206.9931 Administrative provisions.—

(1) Any person producing in, importing into, or causing to be imported into this state taxable pollutants for sale, use, or otherwise and who is not registered or licensed pursuant to other parts of this chapter is hereby required to register and become licensed for the purposes of this part. Such person shall register as either a producer or importer of pollutants and shall be subject to all applicable registration and licensing provisions of this chapter, as if fully set out in this part and made expressly applicable to the taxes imposed herein, including, but not limited to, ss.

206.151, 206.152, 206.154, 206.162, 206.171, 206.172, and 206.174 ss. 206.02, 206.021, 206.022, 206.025, 206.03, 206.04, and 206.05. For the purposes of this section, registrations required exclusively for this part shall be made within 90 days of July 1, 1986, for existing businesses, or prior to the first production or importation of pollutants for businesses created after July 1, 1986. The fee for registration shall be \$30. Failure to timely register is a misdemeanor of the first degree, punishable as provided in s. 775.082 or, s. 775.083, or s. 775.084.

Section 134. Subsections (1) and (7) of section 206.9942, Florida Statutes, as amended by section 4 of chapter 89-171, Laws of Florida, are amended to read:

206.9942 Refunds and credits.—

(1) Any licensed refiner, importer, producer, wholesaler, jobber, or dealer who has purchased petroleum products, who has paid the tax pursuant to s. 206.9935(2) or (3) to his supplier, and who subsequently exports said products from the state or bunkers petroleum products into marine vessels engaged in interstate or foreign commerce may deduct the amount of tax paid thereon pursuant to s. 206.9935(2) or (3) from the amount owed to the state and remitted pursuant to s. 206.9931(2) or may apply for a refund of the amount of tax paid thereon pursuant to s. 206.9935(2) or (3).

(7) Administrative procedures governing refunds under this section shall be those specified in s. 206.285 s. 212.67, except for the provisions requiring refund permits.

Section 135. Section 207.003, Florida Statutes, is amended to read:

207.003 Privilege tax levied.—A tax for the privilege of operating any commercial motor vehicle upon the public highways of this state shall be levied upon every motor carrier at a rate which includes the rates rate provided in s. 206.101 or s. 206.703(1) chapter 206 and the sales tax imposed by part II of chapter 212 on each gallon of special fuel or motor fuel used for the propulsion of a commercial motor vehicle by such motor carrier within the state. However, the tax rate levied by s. 206.703(1)(c) shall not be included in the tax rate levied by this section until January 1 of the year following the levying of the tax pursuant to s. 206.703(1)(c) in every transportation district.

Section 136. Subsection (3) of section 207.005, Florida Statutes, is amended to read:

207.005 Returns and payment of tax; delinquencies; calculation of fuel used during operations in the state; credit; bond.—

(3) For the purpose of computing the carrier's liability for the road privilege tax, the total gallons of fuel used in the propulsion of any commercial motor vehicle in this state shall be multiplied by the rates provided in s. 207.003 chapter 206 and part II of chapter 212. From the sum determined by this calculation, there shall be allowed a credit equal to the amount of the tax per gallon as provided in s. 206.101 or s. 206.703(1) and (2)(b)2. under chapter 206 and part II of chapter 212 for each gallon of fuel purchased in this state during the reporting period when the special fuel or motor fuel tax was paid at the time of purchase. If the tax paid pursuant to s. 206.101 or s. 206.703(1) or (2)(b)2. under chapter 206 and part II of chapter 212 exceeds the total tax due under this chapter, the excess may be allowed as a credit against the tax due during the succeeding 12-month reporting period. A refund may be made for this credit.

Section 137. Paragraph (g) of subsection (1) of section 212.05, Florida Statutes, 1988 Supplement, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(g) At the rate of 5 percent of the price, as determined pursuant to part II of this chapter, of each gallon of motor fuel or special fuel taxable pursuant to that part, except that Motor fuel and special fuel expressly taxable under this part shall be taxed as provided in paragraphs (a) and (b).

Section 138. Paragraph (a) of subsection (4) and paragraph (f) of subsection (5) of section 212.08, Florida Statutes, 1988 Supplement, as amended by section 28 of chapter 89-300, Laws of Florida, and sections 35 and 42 of chapter 89-356, Laws of Florida, are amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by part I of this chapter.

(4) EXEMPTIONS; ITEMS BEARING OTHER EXCISE TAXES, ETC.—

(a) Also exempt are:

1. Water (not exempting mineral water or carbonated water).
2. All fuels used by a public or private utility, including any municipal corporation or rural electric cooperative association, in the generation of electric power or energy for sale. Fuel other than motor fuel and special fuel is taxable as provided in this part with the exception of fuel expressly exempt herein. However, diesel fuel and kerosene used in any tractor, vehicle, or other farm equipment which is used exclusively on a farm or for processing farm products on the farm are taxable as provided in s. 206.703(1)(b) ~~part II~~. Motor fuels and special fuels are taxable as provided in s. 206.101(1)(d) and s. 206.703(1)(b) ~~part II~~, with the exception of those motor fuels and special fuels used by railroad locomotives or vessels to transport persons or property in interstate or foreign commerce which are taxable under this part only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier's railroad locomotives or vessels which were used in interstate or foreign commerce and which had at least some Florida mileage during the previous fiscal year of the carrier, such ratio to be determined at the close of the fiscal year of the carrier. This ratio shall be applied each month to the total Florida purchases made in this state of gasoline and other fuels to establish that portion of the total used and consumed in intrastate movement and subject to tax under this part. Fuels used exclusively in intrastate commerce do not qualify for the proration of tax.

3. The transmission or wheeling of electricity.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(f) Gas used for certain agricultural purposes.—Butane gas, propane gas, and all other forms of liquefied petroleum gases are exempt from the tax imposed by this chapter if used in any tractor, vehicle, or other farm equipment which is used exclusively on a farm or for processing farm products on the farm and no part of which gas is used in any vehicle or equipment driven or operated on the public highways of this state. This restriction does not apply to the movement of farm vehicles or farm equipment between farms. The transporting of bees by water and the operating of equipment used in the apiary of a beekeeper is also deemed an exempt use. This exemption shall inure to the taxpayer only through refund of previously paid taxes. Refunds under this paragraph shall be authorized and administered as provided in s. 206.285 ~~s. 212.67~~.

The enumeration of the above moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust fund should be exempt herefrom, as it is the purpose of this law to exempt all trust funds from its force and effect when, by the operation of this law, federal matching funds or contributions to any trust fund would be lost to the state.

Section 139. Section 336.021, Florida Statutes, is amended to read:

336.021 County transportation system; *county local option levy of voted gas tax on motor fuel and special fuel.*—

(1) Any county in the state *which imposes a tax pursuant to s. 206.102(1) shall use the revenues from such tax, in the discretion of its governing body and subject to a referendum, may impose, in addition to all other taxes required or allowed by law, a 1-cent voted gas tax upon every gallon of motor fuel and special fuel sold in such county and taxed under the provisions of part I or part II of chapter 206, for the purpose of paying the costs and expenses of establishing, operating, and maintaining a transportation system and related facilities and the cost of acquisition, construction, reconstruction, and maintenance of roads and streets. The governing body of the county may provide that the referendum be*

*worded to limit the number of years such tax will remain in effect. The governing body of the county may, by joint agreement with one or more of the municipalities located therein, provide for these transportation purposes and the distribution of the proceeds of this tax within both the unincorporated and incorporated areas of the county. The tax shall be collected and remitted by any person engaged in selling at retail motor fuel or using or selling at retail special fuel within a county in which the tax is authorized and shall be distributed monthly by the department to the county where collected. The provisions for refund provided in ss. 206.625 and 206.64 shall not be applicable to such tax levied by any county. Any person licensed under part I or part II of chapter 206 who uses motor fuel or special fuel or who engages in selling motor fuel or special fuel at retail shall deduct from the amount of tax shown by the report to be payable an amount equivalent to 3 percent of the tax on motor or special fuels imposed by this section, which deduction is hereby allowed on account of services and expenses in complying with the provisions of the law. If the amount of taxes due and remitted to the department for the reporting period exceeds \$1,000, the 3 percent allowance shall be reduced to 1 percent for all amounts in excess of \$1,000. However, this allowance shall not be deductible unless payment of the tax is made on or before the 20th day of the month as required. The United States post office date stamped on the envelope in which the report is submitted shall be considered as the date the report is received by the department.*

*(2) The additional tax collected by the department pursuant to subsection (1) shall be transferred to the Voted Gas Tax Trust Fund, which fund is created for distribution to the county in which the tax was collected. The department has the authority to prescribe and publish all forms upon which reports shall be made to it and other forms and records deemed to be necessary for proper administration and collection of the tax levied by any county and shall promulgate such rules as may be necessary for the enforcement of this section, which rules shall have the full force and effect of law. The sections of chapter 206, including, but not limited to, those sections relating to timely filing of reports and tax collected, suits for collection of unpaid taxes, department warrants for collection of unpaid taxes, penalties, interest, retention of records, inspection of records, liens on property, foreclosure, and enforcement and collection also apply to the tax authorized in this section.*

*(2)(3) It is expressly recognized and declared by the Legislature that the establishment, operation, and maintenance of a transportation system and related facilities and the acquisition, construction, reconstruction, and maintenance of roads and streets fulfill a public purpose and that payment of the costs and expenses therefor may be made from county general funds, special taxing district funds, or such other funds as may be authorized by special or general law. Counties are authorized to expend the funds received under this section in conjunction with the state or federal government in joint projects.*

*(3) Within 10 days after the ordinance levying the tax is approved, the county shall provide the department with a certified copy of the ordinance.*

*(4) A certified copy of the ordinance proposing to levy the tax allowed by this section shall be furnished by the county to the department within 10 days of approval of such ordinance. Furthermore, the county levying such tax shall notify the department within 10 days after the passage of the referendum of such passage and of the time period during which the tax will be levied. The failure to furnish the certified copy will not invalidate the passage of the ordinance.*

*(4)(5) The tax shall not take effect until at least 60 days after the county notifies the department of approval of the ordinance passage of the referendum. No decision to rescind the tax shall take effect until at least 60 days after the county notifies the department of such decision.*

Section 140. Section 336.025, Florida Statutes, is amended to read:

336.025 County transportation system; *levy of local option gas tax on motor fuel and special fuel.*—

*(1)(a) In addition to other taxes allowed by law, there may be imposed as provided in this section a 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option gas tax upon every gallon of motor fuel and special fuel sold in a county and taxed under the provisions of part I or part II of chapter 206.*

*(a)(b) Any The tax imposed under s. 206.102(2) shall be imposed before July 1 to be effective September 1 of any year for a period not to exceed 30 years, and the applicable method of distribution shall be estab-*

lished pursuant to subsection (2)(3) or subsection (3)(4). Upon expiration, the tax may be reimposed provided that a redetermination of the method of distribution is made as provided in this section.

(b)(e) County and municipal governments shall utilize moneys received pursuant to this section only for transportation expenditures.

(c)(d) Any tax imposed pursuant to s. 206.102(2) ~~this section~~ may be extended on a majority vote of the governing body of the county. A redetermination of the method of distribution shall be established pursuant to subsection (2)(3) or subsection (3)(4), if, after July 1, 1986, the tax is extended or the tax rate changed, for the period of extension or for the additional tax.

(d)(e) Local governments may use the services of the Division of Bond Finance of the Department of General Services pursuant to the State Bond Act to issue any bonds through the provisions of this section and may pledge the revenues from the local option gas tax to secure the payment of the bonds. In no case may a jurisdiction issue bonds pursuant to this section more frequently than once per year. Counties and municipalities may join together for the issuance of bonds issued pursuant to this section.

~~(2)(a) The tax shall be collected and remitted by any person engaged in selling at retail motor fuel or using or selling at retail special fuel within a county in which the tax is authorized and shall be distributed monthly by the Department of Revenue to the county where collected. The tax remitted to the Department of Revenue pursuant to this section shall be transferred to the Local Option Gas Tax Trust Fund, which fund is created for distribution to the county and eligible municipal governments within the county in which the tax was collected and which fund is subject to the service charge imposed in chapter 215. The Department of Revenue has the authority to prescribe and publish all forms upon which reports shall be made to it and other forms and records deemed to be necessary for proper administration and collection of the tax and shall promulgate such rules as may be necessary for the enforcement of this section. The sections of chapter 206, including, but not limited to, those sections relating to timely filing of reports and tax collected, suits for collection of unpaid taxes, department warrants for collection of unpaid taxes, penalties, interest, retention of records, inspection of records, liens on property, foreclosure, and enforcement and collection also apply to the tax authorized in this section.~~

~~(b) The provisions for refund provided in s. 206.625 are not applicable to such tax levied by any county. Any person licensed under part I or part II of chapter 206 who uses motor fuel or special fuel or who engages in selling motor fuel or special fuel at retail shall deduct from the amount of tax shown by the report to be payable an amount equivalent to 3 percent of the tax on motor or special fuels imposed by this section, which deduction is hereby allowed on account of services and expenses in complying with the provisions of the law. If the amount of taxes due and remitted to the Department of Revenue for the reporting period exceeds \$1,000, the 3 percent allowance shall be reduced to 1 percent for all amounts in excess of \$1,000. However, this allowance shall not be deductible unless payment of the tax is made on or before the 20th day of the month as required. The United States post office date stamped on the envelope in which the report is submitted shall be considered as the date the report is received by the Department of Revenue. The provisions for refund in s. 212.67(1)(a) and (c) apply to such tax, and the refund shall be administered in accordance with the provisions of s. 212.67. However, the amount refunded shall be deducted from moneys in the Local Option Gas Tax Trust Fund otherwise distributed to the county area in which the tax is levied.~~

(2)(3) The tax shall be imposed using either of the following procedures:

(a) The tax may be levied by an ordinance adopted by a majority vote of the governing body or upon approval by referendum. Such ordinance shall be adopted in accordance with the requirements imposed under one of the following circumstances, whichever is applicable:

1. The county may, prior to June 1, establish by interlocal agreement with one or more of the municipalities located therein, representing a majority of the population of the incorporated area within the county, a distribution formula for dividing the entire proceeds of the local option gas tax among the county government and all eligible municipalities within the county. If no interlocal agreement exists, a new interlocal agreement may be established prior to August 1, 1986, or June 1 of any year thereafter pursuant to this subparagraph. However, any interlocal

agreement agreed to under this subparagraph after the initial imposition of the tax, extension of the tax, or change in the tax rate authorized in this section shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized by this section, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of establishment of the new interlocal agreement.

2. If an interlocal agreement has not been executed pursuant to subparagraph 1., the county may, prior to June 10, adopt a resolution of intent to levy the tax allowed in this section.

(b) If no interlocal agreement or resolution is adopted pursuant to subparagraph (a)1. or subparagraph (a)2., municipalities representing more than 50 percent of the county population may, prior to June 20, adopt uniform resolutions approving the local option tax, establishing the duration of the levy and the rate authorized in s. 206.102(2) ~~paragraph (1)(a)~~, and setting the date for a countywide referendum on whether to impose the tax. A referendum shall be held in accordance with the provisions of such resolution and applicable state law, provided that the county shall bear the costs thereof. The tax shall be imposed and collected countywide on September 1 following 30 days after voter approval.

(3)(4)(a) If the tax is imposed under the circumstances of subparagraph (2)(a)2.(3)(a)2. or paragraph (2)(b)(3)(b), the proceeds of the tax shall be distributed among the county government and eligible municipalities based on the transportation expenditures of each for the immediately preceding 5 fiscal years, as a proportion of the total of such expenditures for the county and all municipalities within the county. After the initial imposition of a tax being distributed pursuant to the provisions of this paragraph, the proportions shall be recalculated every 10 years based on the transportation expenditures of the immediately preceding 5 years. However, such recalculation shall under no circumstances materially or adversely affect the rights of holders of bonds outstanding on July 1, 1986, which are backed by taxes authorized in s. 206.102(2) ~~this section~~, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of the recalculation.

(b) Any newly incorporated municipality which is eligible for participation in the distribution of moneys under parts II and VI of chapter 218 and which is located in a county levying the tax imposed pursuant to s. 206.102(2) ~~this section~~ is entitled to receive a share of the tax revenues. Distribution of such revenues to a newly incorporated municipality shall begin in the first full fiscal year following incorporation. The distribution to a newly incorporated municipality shall be:

1. Equal to the county's per lane mile expenditure in the previous year times the lane miles within the jurisdiction or responsibility of the municipality, in which case the county's share shall be reduced proportionately; or

2. Determined by the local act incorporating the municipality.

Such distribution shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized in s. 206.102(2) ~~this section~~, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of the redistribution.

(4)(5)(a) By July 1 of each year, the county shall notify the Department of Revenue of the rate of tax levied, of its decision to rescind the tax, if applicable, and provide the department with a certified copy of the interlocal agreement established under subparagraph (2)(a)1.(3)(a)1. with distribution proportions established by such agreement or pursuant to subsection (3)(4), if applicable. No decision to rescind the tax shall take effect until at least 60 days after the county notifies the Department of Revenue of such decision.

(b) Any dispute as to the determination by the county of distribution proportions shall be resolved through an appeal to the Administration Commission in accordance with procedures developed by the commission.

Pending final disposition of such proceeding, the tax shall be collected pursuant to this section, and such funds shall be held in escrow by the clerk of the circuit court of the county until final disposition.

(5)(6) Only those municipalities and counties eligible for participation in the distribution of moneys under parts II and VI of chapter 218 are eligible to receive moneys under this section. Any funds otherwise undistributed because of ineligibility shall be distributed to eligible governments within the county in proportion to other moneys distributed pursuant to this section.

(6)(7) For the purposes of this section, the term "transportation expenditures" means expenditures by the local government from local or state shared revenue sources, excluding expenditures of bond proceeds, for the following programs:

- (a) Public transportation operations and maintenance.
- (b) Roadway and right-of-way maintenance and equipment.
- (c) Roadway and right-of-way drainage.
- (d) Streetlighting.
- (e) Traffic signs, traffic engineering, signalization, and pavement markings.
- (f) Bridge maintenance and operation.
- (g) Debt service and current expenditures for transportation capital projects in the foregoing program areas, including construction or reconstruction of roads.

Section 141. Sections 206.022, 206.025, 206.12, 206.15, 206.16, 206.17, 206.175, 206.20, 206.204, 206.205, 206.22, 206.28, 206.405, 206.445, 206.46, 206.61, 206.85, 206.86, 206.88, 206.92, and 206.96, Florida Statutes, are renumbered as sections 206.154, 206.162, 206.353, 206.413, 206.416, 206.423, 206.424, 206.455, 206.463, 206.465, 206.4451, 206.505, 206.158, 206.327, 206.563, 206.122, 206.701, 206.702, 206.788, 206.722, and 206.790, Florida Statutes, respectively.

Section 142. Section 7.52, Florida Statutes, is amended to read:

7.52 Pinellas County.—The boundary lines of Pinellas County are as follows: Beginning at a point where the line dividing townships twenty-six and twenty-seven south if projected in a westerly direction intersects with the western boundary of the jurisdictional waters of the State of Florida in the Gulf of Mexico; thence east on said line to the northeast corner of section one in township twenty-seven south, range sixteen east; thence south to the shore of old Tampa Bay; thence in a southerly direction through the middle waters of old Tampa Bay and Tampa Bay, to a point in Tampa Bay due east of the north shore of Mullet Key; thence due west to a point due north of a point 100 yards due east from the easternmost point of Mullet Key; thence in a line 100 yards from the shoreline around the southern portion of Mullet Key to a point 100 yards west of the northernmost shore of Mullet Key; thence west to a point where such line intersects the western boundary of the jurisdictional waters of the State of Florida in the Gulf of Mexico and northward, including the waters of said gulf within the jurisdiction of the State of Florida, to point of beginning; provided however that nothing herein contained shall now or at any time hereafter in any manner whatsoever repeal, amend, change or disturb in any manner whatsoever the apportionment, allotment, allocation, basis of computation, or other formula wherein and whereby the participation in the gas tax by both counties hereto under and by virtue of *s. 206.565 ss. 206.41 and 206.47* or any law hereafter enacted, is changed so that Hillsborough County would receive a lesser amount and Pinellas County would receive a greater amount of such gas funds or tax by reason of the change of the boundary line herein authorized.

Section 143. Paragraph (a) of subsection (11) of section 163.3184, Florida Statutes, is amended to read:

163.3184 Process for adoption of comprehensive plan or amendment thereto.—

(11) ADMINISTRATION COMMISSION.—

(a) If the Administration Commission, upon a hearing pursuant to subsection (9) or subsection (10), finds that the comprehensive plan or plan amendment is not in compliance with this act, the commission shall specify remedial actions which would bring the comprehensive plan or plan amendment into compliance. The commission may direct state

agencies not to provide funds to increase the capacity of roads, bridges, or water and sewer systems within the boundaries of those local governmental entities which have comprehensive plans or plan elements that are determined not to be in compliance. The commission order may also specify that the local government shall not be eligible for grants administered under the following programs:

1. The Florida Small Cities Community Development Block Grant Program, as authorized by ss. 290.0401-290.049.

2. The Florida Recreation Development Assistance Program, as authorized by chapter 375.

3. Revenue sharing pursuant to ss. 206.573 ~~ss. 206.60~~, 210.20, and 218.61 and part I of chapter 212, to the extent not pledged to pay back bonds.

Section 144. Subsection (3) of section 207.023, Florida Statutes, is amended to read:

207.023 Authority to inspect vehicles, make arrests, seize property, and execute warrants.—

(3) Commercial motor vehicles owned or operated by any motor carrier who refuses to comply with this chapter may be seized by authorized agents or employees of the Department of Highway Safety and Motor Vehicles, the Department of Agriculture and Consumer Services, or the Department of Transportation; or authorized agents and employees of any of these departments also may seize property as set out in *ss. 206.4351, 206.443, and 206.465 ss. 206.205, 206.21, and 206.215*. Upon such seizure, the property shall be surrendered without delay to the sheriff of the county where the property was seized for further proceedings.

Section 145. Section 207.026, Florida Statutes, 1988 Supplement, is amended to read:

207.026 Allocation of tax.—All moneys derived from the taxes and fees imposed by this chapter shall be paid into the State Treasury by the department for deposit in the Gas Tax Collection Trust Fund from which the following transfers shall be made: After withholding \$50,000 from the proceeds therefrom, to be used as a revolving cash balance, and the amount of funds necessary for the administration and enforcement of this tax, all other moneys shall be transferred in the same manner and for the same purpose as provided in *ss. 206.555, 206.565, 206.573, 206.575, 206.585, and 206.785 ss. 206.41, 206.45, 206.60, 206.605, and 212.60*. *Moneys collected pursuant to s. 206.703(2)(b)2 shall be transferred to the Local Government Special Fuel Tax Trust Fund and distributed in proportion to other distributions of such trust fund.*

Section 146. Subsections (1), (2), (3), (4), (5), and (14) of section 215.22, Florida Statutes, 1988 Supplement, are amended, and subsection (41) is added to said section to read:

215.22 Certain moneys and certain trust funds enumerated.—The following described moneys and income of a revenue nature deposited in the following described trust funds, by whatever name designated, shall be those from which the deductions authorized by s. 215.20 shall be made:

(1) The Gas Tax Collection Trust Fund created in *s. 206.555 s. 206.45*.

(2) All income derived from outdoor advertising and overweight violations which is deposited in the State Transportation Trust Fund created in *s. 206.563 s. 206.46*.

(3) All taxes levied on motor fuels other than gasoline levied pursuant to the provisions of *s. 206.755 s. 206.87*.

(4) The State Alternative Fuel User Fee Clearing Trust Fund established pursuant to *s. 206.786(1) s. 206.879(1)*.

(5) The Local Alternative Fuel User Fee Clearing Trust Fund established pursuant to *s. 206.786(2) s. 206.879(2)*.

(14) The Local Option Gas Tax Trust Fund created pursuant to *s. 206.102 s. 326.025*.

(41) *The Local Government Special Fuel Tax Trust Fund created pursuant to s. 206.703.*

Section 147. Paragraph (b) of subsection (6) of section 218.21, Florida Statutes, is amended to read:

218.21 Definitions.—As used in this part, the following words and terms shall have the meanings ascribed them in this section, except where the context clearly indicates a different meaning:

(6) "Guaranteed entitlement" means the amount of revenue which must be shared with an eligible unit of local government so that:

(b) No eligible municipality shall receive less funds from the Revenue Sharing Trust Fund for Municipalities in any fiscal year than the aggregate amount it received from the state in fiscal year 1971-1972 under the provisions of the then existing s. 210.20(2)(a), tax on cigarettes; s. 323.16(3), road tax; and s. 206.575 ~~s.-206.605~~, tax on motor fuel; except that any government exercising municipal powers pursuant to s. 6(f), Art. VIII of the State Constitution shall not receive less funds from any such revenue sharing trust fund than the aggregate amount it received from the state in the preceding state fiscal year under the provisions of this part, plus a 7 percent increase in such amount.

Section 148. Section 336.024, Florida Statutes, is amended to read:

336.024 Distribution of constitutional gas tax.—Effective July 1, 1983, the State Board of Administration shall assume the responsibility for distribution of the counties' 80-percent share of the constitutional gas tax in the same manner as the 20-percent share is currently distributed pursuant to s. 206.565 ~~s.-206.47~~; however, the State Board of Administration shall assure that county funds are made available to the department to be held in escrow for any construction underway on behalf of the county pursuant to resolution of the county governing body.

Section 149. Paragraph (c) of subsection (11) of section 376.301, Florida Statutes, as amended by section 2 of chapter 89-188, Laws of Florida, is amended to read:

376.301 Definitions of terms used in ss. 376.30-376.319.—When used in ss. 376.30-376.319, unless the context clearly requires otherwise, the term:

(11) "Petroleum storage system" means a stationary tank not covered under the provisions of chapter 377, together with any onsite integral piping or dispensing system associated therewith, which is used, or intended to be used, for the storage or supply of any petroleum product as defined herein, and which:

(c) Is located in a storage facility licensed with the Department of Revenue under s. 206.154 ~~s.-206.022~~ or s. 206.9930, excluding offsite pipelines;

Section 150. Section 849.092, Florida Statutes, is amended to read:

849.092 Retail merchandising business; certain activities permitted.—The provisions of s. 849.09 shall not be construed to prohibit or prevent persons who are licensed to conduct business under s. 206.156 ~~s.-206.404~~, from giving away prizes to persons selected by lot, if such prizes are made on the following conditions:

(1) Such gifts are conducted as advertising and promotional undertakings, in good faith, solely for the purpose of advertising the goods, wares, merchandise and business of such licensee; and

(2) The principal business of such licensee is the business permitted to be licensed under s. 206.156 ~~s.-206.404~~; and

(3) No person to be eligible to receive such gift shall ever be required to:

(a) Pay any tangible consideration to such licensee in the form of money or other property or thing of value, or

(b) Purchase any goods, wares, merchandise or anything of value from such licensee.

(4) The person selected to receive any such gift or prize offered by any such licensee in connection with any such advertising or promotion is notified of his selection at his last known address. Newspapers, magazines, television and radio stations may, without violating any law, publish and broadcast advertising matter describing such advertising and promotional undertakings of such licensees which may contain instructions pursuant to which persons desiring to become eligible for such gifts or prizes may make their name and address known to such licensee.

(5) All brochures, advertisements, promotional material, and entry blanks promoting such undertakings shall contain a clause stating that residents of Florida are entitled to participate in such undertakings and are eligible to win gifts or prizes.

Section 151. Section 320.072, Florida Statutes, as created by section 1 of chapter 89-364, Laws of Florida, is amended to read:

320.072 Additional fee imposed on certain motor vehicle registration transactions.—

(1) A fee of \$100 ~~\$30~~ is imposed upon the initial application for registration pursuant to s. 320.06 of every motor vehicle classified in s. 320.08(2), (3), and (9)(c) and (d).

(2) The fee imposed by subsection (1) shall not apply to:

(a) Any registration renewal transaction.

(b) A transfer or exchange of a registration license plate from a motor vehicle that has been disposed of to a newly acquired motor vehicle pursuant to s. 320.0609(2) or (5).

(c) Any initial registration resulting from transfer of title between coowners as provided by s. 319.22, transfer of ownership by operation of law as provided by s. 319.28, or transfer of title from a person to a member of that person's immediate family as defined in s. 657.002.

(d) The registration of any motor vehicle owned by and operated exclusively for the personal use of any member of the United States Armed Forces who is not a resident of this state and who is stationed in this state while in compliance with military orders.

(e) The registration of any motor vehicle owned or exclusively operated by the state or by any county, municipality, or other governmental entity.

(f) The registration of a truck defined in s. 320.08(3)(d).

(3) A refund of the fee imposed under subsection (1) shall be granted to anyone who, within 3 months after paying such fee, sells, transfers, or otherwise disposes of a motor vehicle classified in s. 320.08(2), (3), or (9)(c) or (d) in any transaction not exempt from the fee pursuant to paragraph (2)(b), (c), or (d). A person requesting a refund must present proof of having paid the fee pursuant to subsection (1) and must surrender the license plate of the disposed-of vehicle.

(4) A tax collector or other duly authorized agent of the department shall promptly remit all moneys collected pursuant to this section, less any refunds granted pursuant to subsection (3), to the department. The department shall deposit 70 percent of the moneys received into the State Transportation Trust Fund and 30 percent ~~all such moneys as they are received~~ into the Law Enforcement Trust Fund of the Department of Highway Safety and Motor Vehicles.

Section 152. Section 212.0606, Florida Statutes, as created by section 4 of chapter 89-364, Laws of Florida, is amended to read:

212.0606 Rental car surcharge.—

(1) A surcharge of \$1.00 ~~50 cents~~ per day or any part of a day imposed upon the lease or rental of a motor vehicle licensed for hire and designed to carry less than nine passengers regardless of whether such motor vehicle is licensed in Florida. The surcharge applies to only the first 30 days of the term of any lease or rental. The surcharge is taxable under s. 212.05.

(2) Notwithstanding the provisions of ss. 212.20 and 212.235, and less costs of administration, 50 percent of the proceeds of this surcharge shall be deposited into the State Transportation Trust Fund; 10 ~~20~~ percent of the proceeds of this surcharge shall be deposited into the Law Enforcement Trust Fund of the Department of Highway Safety and Motor Vehicles; and 40 ~~80~~ percent of the surcharge shall be deposited in the Children and Adolescents Substance Abuse Trust Fund. The Children and Adolescents Substance Abuse Trust Fund is hereby created in the Department of Health and Rehabilitative Services for the purpose of funding programs directed at reducing and eliminating substance abuse problems among children and adolescents. For the purposes of this section, "proceeds" of the surcharge means all funds collected and received by the department under this section, including interest and penalties on delinquent surcharges.

(3) Except as provided in this section, the department shall administer, collect, and enforce the surcharge as provided in this part. The provisions of this part which apply to interest and penalties on delinquent taxes shall apply to the surcharge. The surcharge shall not be included in the calculation of estimated taxes pursuant to s. 212.11(1)(a). The dealer's credit provided in s. 212.12 shall not apply to any amount collected under this section.



Section 153. Effective January 1, 1991, subsections (2) and (3) of section 320.08, Florida Statutes, 1988 Supplement, as amended by section 67 of chapter 89-282, and section 3 of chapter 89-320, Laws of Florida, are amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(2), and mobile homes, as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(2) AUTOMOBILES FOR PRIVATE USE.—

(a) An antique automobile or street rod as defined in s. 320.0863: \$7.50 flat. An "antique automobile" is any passenger automobile manufactured more than 20 years prior to the current date and equipped with an engine manufactured more than 20 years prior to the current date or an engine manufactured to the specifications of the original engine.

(b) *An automobile for private use other than an antique automobile or street rod: \$32.50 flat* ~~Net weight of less than 2,500 pounds: \$14.50 flat.~~

~~(c) Net weight of 2,500 pounds or more, but less than 3,500 pounds: \$22.50 flat.~~

~~(d) Net weight of 3,500 pounds or more: \$32.50 flat.~~

(3) TRUCKS.—

(a) *A truck with a net weight of 5,000 pounds or less, except as provided in paragraph (b) or paragraph (c): \$32.50 flat* ~~Net weight of less than 2,000 pounds: \$14.50 flat.~~

~~(b) Net weight of 2,000 pounds or more, but not more than 3,000 pounds: \$22.50 flat.~~

~~(c) Net weight more than 3,000 pounds, but not more than 5,000 pounds: \$32.50 flat.~~

(b)(d) A truck defined as a "goat," or any other vehicle when used in the field by a farmer or in the woods for the purpose of harvesting a crop, including naval stores, during such harvesting operations, and which is not principally operated upon the roads of the state: \$7.50 flat. A "goat" is a motor vehicle designed, constructed, and used principally for the transportation of citrus fruit within citrus groves.

(c)(e) An antique truck: \$7.50 flat. An "antique truck" is any truck with a net weight of not more than 3,000 pounds manufactured more than 20 years prior to the current date and equipped with an engine manufactured more than 20 years prior to the current date or an engine manufactured to the specifications of the original engine.

Section 154. Effective January 1, 1991, section 320.14, Florida Statutes, as amended by chapter 87-198, Laws of Florida, is amended to read:

*(Substantial rewording of section. See s. 320.14, F.S., for present text.)*

320.14 Fractional license tax.—

(1) Unless otherwise expressly provided in this section and s. 320.0705(3), the full amount of the license tax imposed under s. 320.08 shall be charged for the registration period, regardless of when during the registration period the vehicle is registered.

(2) For vehicles taxed under s. 320.08(1), (2)(a), (4), (5)(b), (c), (d), (6)(a), (8), (10), (11), (12), (13), or (14), the license tax charged to a person for the registration of a vehicle which was not previously subject to registration in this state by that person and which is being registered:

(a) During the seventh, eighth, or ninth month of the registration period shall be one-half of the annual license tax amount prescribed in s. 320.08.

(b) During the 10th or subsequent month of the registration period shall be one-fourth of the annual license tax amount prescribed in s. 320.08.

(3) The license tax charged a person for the registration of a vehicle which:

(a) Is taxed under s. 320.08(3)(b) or (c), (4), (6)(b), or (7)(b);

(b) Is being registered during the second or subsequent month of the registration period;

(c) Was not previously subject to registration by that person during that registration period; and

(d) If being registered during the first 3 months of the registration period, was not registered by that person in this state during the preceding registration period

shall be at the rate of one-twelfth of the annual license tax amount for the month of registration and one-twelfth of the annual license tax amount for each month of the registration period succeeding the month of registration.

(4) Any truck tractor which is used exclusively for hauling agricultural products and which is not required to be apportioned may register for any 3-month period or 6-month period and pay, respectively, one-quarter or one-half of the annual registration rate provided in s. 320.08.

(5) A license tax of less than \$5 may not be charged under this section unless otherwise expressly provided by law.

Section 155. Effective January 1, 1991, paragraph (a) of subsection (1) of section 206.877, Florida Statutes, as renumbered as section 206.775, Florida Statutes, and amended by this act, is amended to read:

206.775 206.877 Motor vehicles fueled by liquefied petroleum gas or compressed natural gas; payment of annual decal fees in lieu of *taxes tax*.—

(1) The *taxes tax* imposed by s. 206.703 do ~~s. 206.87~~ does not apply to motor vehicles licensed in this state pursuant to chapter 320 which are powered by alternative fuels and for which valid decals have been acquired as provided in this section.

(a) The owners or operators of such vehicles shall, in lieu of the *taxes exercise tax* imposed by this part, pay an annual decal fee on each such motor vehicle in accordance with the following rate schedule:

Class	Vehicle License Category	Fee for each cent of tax imposed by s. 206.703(1)(c) and (2) State Fee <del>chapter 326</del>	
		State Fee	
A	Vehicles licensed pursuant to s. 320.08(1), (2), (3)(a) or (c), (3)(a)-(e), (e), (6)(a), and (9)(c)1.	\$44	\$11
B	Vehicles licensed pursuant to s. 320.08 (5)(b)-(e), (6)(b), (9)(c)2., and (14).	\$60	\$15
C	Vehicles licensed pursuant to s. 320.08(4).	\$84	\$21

Section 156. Effective January 1, 1991, paragraph (a) of subsection (1) of section 212.05, Florida Statutes, 1988 Supplement, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(a)1.a. At the rate of 6 percent of the sales price of each item or article of tangible personal property when sold at retail in this state, computed on each taxable sale for the purpose of remitting the amount of tax due the state, and including each and every retail sale.

b. Each occasional or isolated sale of an aircraft, boat, mobile home, or motor vehicle of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government shall be subject to tax at the rate provided in this paragraph.

The department shall by rule adopt the NADA Official Used Car Guide as the reference price list for any used motor vehicle which is required to be licensed pursuant to s. 320.08(1), (2), (3)(a) ~~or (b)~~, (c), ~~or (f)~~, or (9). If any party to an occasional or isolated sale of such a vehicle reports to the tax collector a sales price which is less than 80 percent of the average loan price for the specified model and year of such vehicle as listed in the most recent reference price list, the tax levied under this paragraph shall be computed by the department on such average loan price unless the parties to the sale have provided to the tax collector an affidavit signed by each party, or other substantial proof, stating the actual sales price. Any party to such sale who reports a sales price less than the actual sales price is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The department shall collect or attempt to collect from such party any delinquent sales taxes. In addition, such party shall pay any tax due and any penalty and interest assessed plus a penalty equal to twice the amount of the additional tax owed. Notwithstanding any other provision of law, the Department of Revenue may waive or compromise any penalty imposed after July 1, 1985, pursuant to this subparagraph.

2. This paragraph does not apply to the sale of a boat or airplane by or through a registered dealer under this chapter to a purchaser who removes such boat or airplane from this state within 10 days after the date of purchase or, when the boat or airplane is repaired or altered, within 10 days after completion of such repairs or alterations. In no event shall the boat or airplane remain in this state more than 90 days after the date of purchase. This exemption shall not be allowed unless the seller:

- a. Obtains from the purchaser within 90 days from the date of sale written proof that the purchaser licensed, registered, or documented the boat or airplane outside the state;
- b. Requires the purchaser to sign an affidavit that he has read the provisions of this section; and
- c. Makes the affidavit a part of his permanent record.

In the event the purchaser fails to remove the boat or airplane from this state within 10 days after purchase or, when the boat or airplane is repaired or altered, within 10 days after completion of such repairs or alterations, or permits the boat or airplane to return to this state within 6 months from the date of departure, the purchaser shall be liable for use tax on the cost price of the boat or airplane and, in addition thereto, payment of a penalty to the Department of Revenue equal to the tax payable. This penalty shall be in lieu of the penalty imposed by s. 212.12(2) and is mandatory and shall not be waived by the department.

Section 157. Subsection (6) of section 320.03, Florida Statutes, as amended by section 1 of chapter 89-43, Laws of Florida, and section 11 of chapter 89-376, Laws of Florida, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(6) A nonrefundable fee of \$1 ~~50 cents~~ shall be charged on every license registration sold, transferred, or replaced. Such fees shall be deposited in the Air Pollution Control Trust Fund established in the Department of Environmental Regulation and used only for purposes of air pollution control pursuant to chapter 403, except that, if any county has an approved local air pollution control program as provided in s. 403.182, 50 cents of such fees from license registrations sold in the county shall be returned to such county for deposit into a local air pollution control program trust fund which shall be established by such county and used only for air pollution control programs relating to the control of emissions from mobile sources and toxic and odor emissions, air quality monitoring, and facility inspections pursuant to chapter 403 or any similar local ordinance.

Section 158. Effective January 1, 1991, subsection (1) of section 320.055, Florida Statutes, as amended by section 22 of chapter 87-198, Laws of Florida, is amended to read:

320.055 Registration periods; renewal periods.—The following registration periods and renewal periods are established:

(1) For a motor vehicle subject to registration under s. 320.08(1), (2), (3)(a), ~~(b)~~, ~~(c)~~, ~~(d)~~, or ~~(e)~~, (5)(b), (c), (d), or (e), (6)(a), (7), (8), or (9) and owned by a natural person, the registration period begins the first day of the birth month of the owner and ends the last day of the month immediately preceding the owner's birth month in the succeeding year. If such vehicle is registered in the name of more than one person, the birth

month of the person whose name first appears on the registration shall be used to determine the registration period. For a vehicle subject to this registration period, the renewal period is the 30-day period ending at midnight on the vehicle owner's date of birth.

Section 159. Effective January 1, 1991, paragraph (a) of subsection (3) of section 320.06, Florida Statutes, 1988 Supplement, as amended by section 2 of chapter 89-364, Laws of Florida, is amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(3)(a) Registration license plates shall be of metal specially treated with a retroreflective material, as specified by the department. The registration license plate is designed to increase nighttime visibility and legibility and shall be at least 6 inches wide and not less than 12 inches in length, unless a plate with reduced dimensions is deemed necessary by the department to accommodate motorcycles, mopeds, or similar smaller vehicles. Validation stickers shall be treated with a retroreflective material, shall be of such size as specified by the department, and shall adhere to the license plate. The registration license plate shall be imprinted with a combination of bold letters and numerals or numerals, not to exceed seven digits, to identify the registration license plate number. The license plate shall also be imprinted with the word "Florida" at the top and the name of the county in which it is sold at the bottom, except that apportioned license plates shall have the word "apportioned" at the bottom in place of the county name. License plates issued for vehicles taxed under the provisions of s. 320.08(3)(b)(~~d~~), (4)(m), (5)(b), (c) or (d), (12), or (14) shall be imprinted with the word "Florida" at the top and the word "Restricted" at the bottom. License plates issued for vehicles taxed under s. 320.08(6) shall be imprinted with the word "Florida" at the top and the word "Lease" at the bottom.

Section 160. Effective January 1, 1991, paragraph (b) of subsection (2) of section 320.0609, Florida Statutes, is amended to read:

320.0609 Transfer and exchange of registration license plates; transfer fee.—

(2)

(b) The requirement to pay a transfer fee does not apply when the replacement vehicle is classified under s. 320.08(2)(b), ~~(c)~~, ~~or (d)~~ or (3)(a), ~~(b)~~, ~~or (c)~~ and the original vehicle to be replaced is also classified under s. 320.08(2)(b), ~~(c)~~, ~~or (d)~~ or (3)(a), ~~(b)~~, ~~or (c)~~.

Section 161. Effective January 1, 1991, paragraph (a) of subsection (8) of section 320.0805, Florida Statutes, 1988 Supplement, is amended to read:

320.0805 Personalized prestige license plates.—

(8)(a) Personalized prestige license plates shall consist of four types of plates as follows:

1. A plate imprinted with numerals only. Such plates shall consist of numerals from 1 to 999, inclusive.

2. A plate imprinted with capital letters only. Such plates shall consist of capital letters "A" through "Z" and shall be limited to a total of seven of the same or different capital letters. A hyphen may be added in addition to the seven letters.

3. A plate imprinted with both capital letters and numerals. Such plates shall consist of no more than a total of seven characters, including both numerals and capital letters, in any combination, except that a hyphen may be added in addition to the seven characters if desired or needed. However, on those plates issued to, and bearing the names of, organizations, the letters and numerals shall be of such size, if necessary, as to accommodate a maximum of 18 digits for automobiles, trucks, and recreational vehicles and 7 digits for motorcycles. Plates consisting of the four capital letters "PRES" preceded or followed by a hyphen and numerals of 1 to 999 shall be reserved for issuance only to applicants who qualify as members of the press and who are associated with, or are employees of, the reporting media.

4. Any person who is the registered owner of an antique motor vehicle as defined in s. 320.08(2)(a) or (3)(c)(~~f~~) may apply to the department for permission to use a historical Florida license plate from or representing the model year of the vehicle as a personalized prestige license plate. This plate shall be furnished by such person and shall be presented to the department with a reasonable fee to be determined by the department for

approval and for authentication that the historic license plate was issued by this state in the same year as the model year of the car or truck. The requirements of paragraph (b) do not apply to historical plates authorized under this subparagraph.

Section 162. Effective January 1, 1991, subsection (1) of section 320.083, Florida Statutes, is amended to read:

320.083 Amateur radio operators; citizens' band radio operators; special license plates; fees.—

(1) A person who is the owner of an automobile for private use, a truck weighing not more than 5,000 pounds, or a recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use; who is a resident of the state; and who holds a valid official amateur radio station license or citizens' band radio station license issued by the Federal Communications Commission shall be issued a special license plate upon application, accompanied by proof of ownership of such radio station license, and payment of the following tax and fees:

(a) The license tax required for the vehicle, as prescribed by s. 320.08(2), (3)(a), ~~(b)~~, ~~or (e)~~, or (9); and

(b) An initial additional fee of \$5, and an additional fee of \$1.50 thereafter.

Section 163. Effective January 1, 1991, subsection (1) of section 320.0843, Florida Statutes, as amended by section 29 of chapter 87-198, Laws of Florida, is amended to read:

320.0843 License plates for wheelchair users.—

(1) Any owner or lessee of a motor vehicle who resides in this state and is permanently confined to a wheelchair, upon application to the department accompanied by competent and appropriate proof of disability, and upon payment of the license tax for a motor vehicle registered under s. 320.08(2), (3)(a), ~~(b)~~, ~~(e)~~, or (c)(e), (6)(a), or (9)(c) or (d), shall be issued a license plate as provided by s. 320.06 which, in lieu of the serial number prescribed by s. 320.06, shall be stamped with the international wheelchair user symbol after the serial number of the license plate.

Section 164. Section 163.803, Florida Statutes, is amended to read:

163.803 Definitions.—As used in this act:

(1) "Regional ground transportation system" means the following in the regional ground transportation area established under this part:

(a) Bus systems;

(b) The state highway system as defined in s. 334.03;

(c) That portion of the county road system made up of all urban minor arterials not in the state highway system;

(d) Those roads subject to an agreement between the authority and another agent or unit of government as provided in s. 163.806.

(2) "Authority" means a metropolitan transportation authority created pursuant to this part.

(3) "Member" means a member of the authority pursuant to s. 163.804.

(4) "Regional ground transportation area" means that area the boundaries of which are identical to the boundaries of the political subdivisions or other legal entities which constitute the authority.

(5) "Metropolitan planning organization" means an entity defined in s. 339.175 which is eligible for attributed Urban System funds in accordance with Title 23, United States Code and which is composed entirely of counties which have adopted a 6-cent motor fuel or special fuel gas tax pursuant to s. 206.102(2) or s. 206.703(2) ~~s. 336.025~~. For purposes of this part, the term includes all of a county any portion of which is within such entity.

(6) "Regional ground transportation plan" means the plan adopted pursuant to s. 163.805.

(7) "Department" means the Department of Transportation.

Section 165. Section 163.805, Florida Statutes, is amended to read:

163.805 Regional ground transportation plans.—

(1) Within 1 month of the appointment of the members of the authority by the Governor, the authority shall meet and begin preparing a regional ground transportation plan. Not later than 6 months after the appointment of members of the authority by the Governor, the authority shall submit a proposed regional ground transportation plan to the governing board of each county and municipality in the metropolitan planning organization and to the metropolitan planning organization for review and recommendations. Not later than 8 months after the appointment of the members of the authority by the Governor, the authority shall adopt a regional ground transportation plan and submit said plan to the governing board of each county in the metropolitan planning organization. Before adopting the regional ground transportation plan, the authority shall give consideration to any recommendations by the governing board of the counties and municipalities in the metropolitan planning organization and by the metropolitan planning organization and, where practicable, shall incorporate such recommendations into the plan. The regional ground transportation plan shall be adopted by an affirmative vote of a majority of the authority plus one additional member.

(2) The plan shall set forth the anticipated amount ~~and the source of~~ the revenues to be derived by the authority for the 5 years following ratification of the plan by the voters of the regional ground transportation area and shall set forth a list, in the order of priority, of the proposed uses of revenue by the authority by specific project or special use as the same are authorized in s. 163.807. The plan shall include the approximate cost or expense allocation for each specific project or special use and a map of the approximate location of each specific project or use, if appropriate. After ratification of the plan by the voters of the metropolitan planning organization, the plan shall not be amended prior to a public hearing and an affirmative vote of a majority of the authority plus one additional member.

(3) In developing a regional ground transportation plan, the authority shall develop and publish estimates of the revenues to be collected in each county that is a member of the authority. Said plan shall also detail the amounts to be expended in each such county. Unless approved by a two-thirds majority vote of the authority, no less than 80 percent of the amount collected in each county shall be expended for projects or uses in such county.

(4) As a part of the plan, the authority shall include a statement conforming to the requirements of s. 101.161, detailing the specific projects and uses that are to be financed by the revenues of the authority, as provided in this act, ~~and the sources of such revenues to the authority.~~

(5) The authority shall designate a Tuesday, not less than 45 days nor more than 60 days after the adoption of the plan as specified in subsection (1), on which a referendum shall be held to determine if the plan is to be implemented. The governing body of each county in the metropolitan planning organization shall cause the statement required to appear on the ballot in subsection (7) to be advertised pursuant to s. 100.342 as it is to appear on the ballot.

(6) The plan shall be consistent with the State Comprehensive Plan and all regional policy plans that apply to the member counties.

(7) The ballot for such referendum shall consist of the following:

(a) The statement required to be included in the plan pursuant to subsection (4).

(b) Immediately following said statement, the words:

"These projects are to be paid for with the ~~revenue~~ ~~revenues~~ from ~~up to an additional 4 cents per gallon fuel tax and/or~~ up to 1 mill of additional ad valorem taxes."

shall be included as a separate paragraph in type identical to that used to print the statement required in subsection (4) on the ballot.

(c) Immediately following the language required by paragraphs (a) and (b), the following question shall be placed on the ballot:

"Do you favor the ratification of the regional ground transportation plan and approve the levy of the ~~fuel and/or~~ ad valorem taxes to finance implementation of the plan?"

. . . . Yes—For the regional transportation plan.

. . . . No—Against the regional transportation plan."

(8) If the regional ground transportation plan is approved by a majority of those qualified electors of each county in the metropolitan planning organization voting in the referendum set by the authority in subsection (5), the plan shall be deemed to have been ratified and shall be implemented by the authority, and the taxes permitted to be used by the authority pursuant to s. ss. 163.8075 and ~~336.026~~ shall be imposed. If the regional ground transportation plan is approved by a majority of those qualified electors voting in the referendum set by the authority in subsection (5) in two or more contiguous counties in the metropolitan planning organization, two of which counties are the two most populous counties in the metropolitan planning organization, the portion of the plan relating to said counties shall be deemed to have been ratified and shall be implemented by the authority, and the taxes permitted to be used by the authority pursuant to s. ss. 163.8075 and ~~336.026~~ shall be imposed. If the regional ground transportation plan is approved by a majority of those qualified electors voting in the referendum set by the authority in subsection (5) in the most populous county in the metropolitan planning organization, the portion of the plan relating to said county shall be deemed to have been ratified and shall be implemented by the authority, and the taxes permitted to be used by the authority pursuant to s. ss. 163.8075 and ~~336.026~~ shall be imposed.

(9) The regional ground transportation plan shall not be deemed to have been ratified in:

(a) Any county in which a majority of the qualified electors in such county voting in the referendum set by the authority in subsection (5) have not approved the plan; or

(b) In the entire metropolitan planning organization if a majority of the qualified electors of the various counties in the metropolitan planning organization have approved the plan in any combination of counties other than as specified herein;

and such plan shall not be implemented and no taxes authorized for use by the authority shall be imposed. No revenues of the authority shall be expended in any county in which the regional ground transportation plan is not ratified.

Section 166. Section 163.806, Florida Statutes, is amended to read:

163.806 Purposes of metropolitan transportation authorities.—

(1) The authority may expend its funds for improvements to the ground transportation system, either for the total cost of such improvements or to match funds from other public or private agencies. The authority may enter into joint participation agreements with public or private agencies to provide funds for such improvements. However, none of the revenues from the taxes authorized for use by the authority in s. ss. 163.8075 and ~~336.026~~ shall be used to finance a bus system. These agreements shall define the roles and responsibilities of each party in the planning, design, construction, operation, maintenance, and funding of such improvements.

(2) The authority may utilize transportation impact fees related to the regional ground transportation system pursuant to an interlocal agreement.

(3) The authority shall have no jurisdiction over roads other than those that are a part of the regional ground transportation system unless the authority and the appropriate agency or unit of government agree that the authority shall assume additional jurisdiction.

(4) The authority shall be deemed a special tax district and may levy, pursuant to the referendum as provided in this act, ~~a motor fuel and special fuels tax~~ and an ad valorem tax, as provided in this act.

(5) The regional ground transportation systems and facilities operating in and under authority of this act are exempt from any of the regulatory provisions of chapter 350.

Section 167. Section 163.807, Florida Statutes, is amended to read:

163.807 Powers and duties.—The authority, after ratification of the plan pursuant to s. 163.805, may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of its purposes, including, but not limited to, the following rights and powers:

(1) To sue and be sued, implead and be impleaded, complain and defend in all courts.

(2) To adopt, use, and alter at will a corporate seal.

(3) To exchange, acquire, purchase, hold, lease as a lessee, and use any property, real, personal, or mixed or tangible or intangible, or any interest therein, necessary or desirable for carrying out the purposes of the authority, and to sell, lease as lessor, transfer, or dispose of any property or interest therein acquired by the authority.

(4) To contract for the operation of any regional ground transportation system. In awarding a contract, the authority shall consider, but is not limited to, the following:

(a) The qualification of each applicant;

(b) The level of service;

(c) The efficiency, cost, and anticipated revenue;

(d) The construction, operation, and management plan;

(e) The financial ability to provide reliable service; and

(f) The impacts on other transportation modes, including the ability to interface with other transportation modes and facilities.

(5) To fix, alter, charge, and establish rates, fares, taxes, and other charges for the services and facilities within the area, which rates, fares, fees, and charges shall be equitable and just.

(6) To acquire and operate, or provide for the operation of, regional ground transportation systems, public or private, within the area; the acquisition of such systems to be by negotiation and agreement between the authority and the owner of the system to be acquired. In the event of the acquisition of a publicly owned transportation system by the authority, the local government, whether created by interlocal agreement or not, from whom it is acquired shall be required to continue to provide funding for such system to the authority at a level that is not less than the public funding level for such system in the fiscal year prior to such acquisition by the authority, adjusted annually by multiplying the quotient of the consumer price index plus one by the amount of the prior year funding level. Such amount shall annually be paid to the authority by such local government on a mutually agreed upon date. However, none of the revenues from the taxes authorized for use by the authority in s. ss. 163.8075 and ~~336.026~~ shall be used to finance a bus system.

(7) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business.

(8) To enter into management contracts with any person or persons for the management of a regional ground transportation system owned or controlled by the authority for such period or periods of time, and under such compensation and other terms and conditions, as shall be deemed advisable by the authority.

(9) Without limitation, to borrow money and issue evidence of indebtedness, including the issuance of bonds, whether on original issue or refunding; to accept gifts or grants or loans of money or other property; and to enter into contracts, leases, or other transactions with any federal agency, the state, any agency of the state, or any other public body of the state.

(10) To have the power of eminent domain, including the procedural powers granted under chapter 73 and chapter 74, to obtain title to real property necessary to accomplish the purposes of this part; the powers of eminent domain granted to the department by s. 337.27(2) and (3), subject to the procedures thereof; and the right of entry onto property pursuant to s. 337.274. Unless an appropriate permit is received, the powers of eminent domain granted by this subsection shall not be exercised to acquire lands or waters which require a permit for construction pursuant to chapter 403.

(11) To fix, alter, change, levy, establish, and collect rates; fares; and taxes, including, but not limited to, ~~a motor fuel tax not to exceed 4 cents per gallon~~ and an ad valorem tax on real and personal property not to exceed 1 mill annually, which rates, fares, taxes, fees, and charges shall be equitable and just and deemed necessary for the authority's purpose. The authority shall not levy ~~any special motor fuel tax or~~ levy any ad valorem tax unless a comprehensive regional ground transportation plan is ratified pursuant to s. 163.805. No ~~special motor fuel tax or~~ ad valorem tax shall be imposed except pursuant to a regional ground transportation plan adopted by a majority-two-thirds vote of the membership of the authority and ratified by the qualified electors pursuant to s. 163.805(7).

(12) To receive and expend ~~gasoline tax or~~ property tax receipts or contributions obtained from the state or from the county or counties or municipalities within the authority's jurisdiction.

(13) To develop a method, formula, arrangement, or master plan to equitably provide for, allocate, and finance the authority's capital, operating, and maintenance costs, including, but not limited to, payments of reserve funds authorized by law and payments of principal and interest on obligations of indebtedness.

(14) To prescribe the manner in which strict budgeting and accountability of all funds shall be provided for, and the type of and manner in which reports, including an annual independent audit, of all receipts and disbursements shall be prepared and submitted to the governing board of each county and municipality in the regional transportation area. The authority shall prepare an annual budget and shall forward a copy of such budget to the governing body of each county and municipality in the regional ground transportation area. The budget of the authority shall be presented and adopted at a public hearing called by the authority for such purposes.

(15) To hire employees, and furnish their compensation, benefits, and other employment accommodations.

(16) To enter into and make leases, as either lessee or lessor, in order to carry out the right to lease as set forth in this part.

(17) To enter into and make lease-purchase agreements with the department.

(18) To pledge or otherwise encumber all or any part of the revenues, rates, fees, rentals, or other charges or receipts of the authority, ~~including all or any portion of gasoline tax funds of any county within the regional ground transportation area received by the authority pursuant to the terms of any lease-purchase agreement between the authority and the department as security for all or any of the obligations of the authority.~~

(19) To do all acts and things necessary or convenient for the conduct of its business and the general welfare of the authority in order to carry out the powers granted to it by this act or any other law.

(20) To prescribe and adopt necessary rules consistent with the provisions of this act.

Section 168. Section 163.808, Florida Statutes, is amended to read:

163.808 Bonds of the authority.—

(1)(a) The bonds of the authority issued pursuant to the provisions of this part, whether on original issuance or on refunding, shall be authorized by resolution of the members thereof and may be either term or serial bonds, shall bear such date or dates, mature at such time or times, not exceeding 40 years from their respective dates, bear interest at such rate or rates, not exceeding the interest rate limitation set forth in s. 215.84(3), payable semiannually, be in such denominations, be in such form, either coupon or fully registered, shall carry such registration, exchangeability and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption and be entitled to such priorities on the revenues, taxes, rates, fees, rentals, or other charges or receipts of the authority, ~~including the gasoline tax funds received by the authority pursuant to s. 336.026,~~ as such resolution or any resolution subsequent thereto may provide. The bonds shall be executed either by manual or facsimile signature by such officers as the authority shall determine, provided that such bonds shall bear at least one signature which is manually executed thereon, and the coupons attached to such bonds shall bear the facsimile signature or signatures of such officer or officers as shall be designated by the authority and shall have the seal of the authority affixed, imprinted, reproduced, or lithographed thereon, all as may be prescribed in such resolution or resolutions.

(b) Said bonds shall be sold at such price or prices as the authority shall determine to be in its best interest; provided that all such sales shall be made in compliance with s. 218.385 and provided further that the interest cost to the authority on such bonds shall not exceed the interest rate limitation set forth in s. 215.84(3). Pending the preparation of definitive bonds, interim certificates may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the authority may determine.

(2) Any such resolution or resolutions authorizing any bonds hereunder may contain provisions which shall be part of the contract with the holders of such bonds, as to:

(a) The pledging of all or any part of the revenues, taxes, rates, fees, rentals, ~~including all or any portion of the gasoline tax pursuant to s. 336.026,~~ or other charges or receipts of the authority, derived by the authority.

(b) The completion, improvement, extension, maintenance, repair, and the duties of the authority and others, including the department, with reference thereto.

(c) Limitations on the purposes to which the proceeds of the bonds, then or thereafter to be issued, or of any loan or grant by the United States or the state may be applied.

(d) The fixing, charging, establishing, and collecting of revenues, taxes, rates, fees, rentals, or other charges by the authority.

(e) The setting aside of reserves or sinking funds or repair and replacement funds and the regulation and disposition thereof.

(f) Limitations on the issuance of additional bonds.

(g) The terms and provisions of any deed of trust or indenture securing the bonds, or under which the same may be issued.

(h) Any other or additional agreements with the holders of the bonds which the authority may deem desirable and proper.

(3) The authority may employ fiscal agents as provided by this part or the State Board of Administration may upon request of the authority act as fiscal agent for the authority in the issuance of any bonds which may be issued pursuant to this part, and the State Board of Administration may upon request of the authority take over the management, control, administration, custody, and payment of any or all debt services or funds or assets now or hereafter available for any bonds issued pursuant to this part. The authority may enter into any deeds of trust, indentures, or other agreements with its fiscal agent, or with any bank or trust company within or without the state, as security for such bonds, and may, under such agreements, sign and pledge all or any of the revenues, taxes, rates, fees, rentals, or other charges or receipts of the authority, ~~including all or any portion of the gasoline tax funds received by the authority pursuant to s. 336.026.~~ Such deed of trust, indenture, or other agreement may contain such provisions as are customary in such instruments or as the authority may authorize, including, but without limitation, provisions as to:

(a) The completion, improvement, operation, extension, or maintenance of the regional ground transportation system and the duties of the authority and others including the department, with reference thereto.

(b) The application of funds and the safeguarding of funds on hand or on deposit.

(c) The rights and remedies of the trustee and the holders of the bonds.

(d) The terms and provisions of the bonds or the resolutions authorizing the issuance of same.

(4) Any of the bonds issued pursuant to this part are, and are hereby declared to be, negotiable instruments and shall have all the qualities and incidents, including negotiability, of investment securities under the Uniform Commercial Code.

Section 169. Subsection (7) of section 348.217, Florida Statutes, is amended to read:

348.217 Definitions.—As used in this part, unless the context clearly indicates otherwise:

(7) The term "county gas tax" means all the gasoline tax funds accruing in each year for use in Brevard County under the provisions of s. 206.101(1)(b) ~~s. 206.60.~~

Section 170. (1) The Department of Transportation may solicit proposals and enter into agreements with private entities, or consortia thereof, for the construction by, and lease to, private entities of four public transportation demonstration projects.



(2) To facilitate those projects, the agreements may include provisions for the lease of rights-of-way in, and airspace over or under state highways, for the granting of necessary easements, and for the issuance of permits or other authorizations to enable the private entity to construct transportation facilities supplemental to existing state-owned transportation facilities. Facilities constructed by a private entity pursuant to this section shall, at all times, be owned by the state. The agreement shall provide for the lease of those facilities to the private entity for up to 35 years. In consideration therefor, the agreement shall provide for complete reversion of the privately constructed facility to the state at the expiration of the lease, at no charge to the state. Nothing in this subsection authorizes the charging of any fee or charge whatsoever for the use of such easements or rights-of-way for utility purposes.

(3) The department may exercise any power possessed by it with respect to the development and construction of state transportation projects to facilitate the development and construction of transportation projects pursuant to this section. Agreements for maintenance and police services entered into pursuant to this section shall provide for full reimbursement for services rendered by the department or other state agencies. The department may provide services for which they are reimbursed with respect to preliminary planning, environmental certification, and preliminary design of the demonstration projects.

(4) Agreements entered into pursuant to this section shall authorize the private entity to impose tolls for use of a facility constructed by it, and shall require that over the term of the lease the toll revenues be applied to payment of the private entity's capital outlay costs for the project, the costs associated with operations, toll collection, and administration of the facility, reimbursement to the state for the costs of maintenance and police services, and a reasonable return on investment to the private entity. The agreement shall require that any excess toll revenue be applied to any indebtedness incurred by the private entity with respect to the project or be paid into the State Transportation Trust Fund. Subsequent to expiration of the lease of a facility to a private entity, the department may continue to charge tolls for use of the facility.

(5) The plans and specifications for each project constructed pursuant to this section must comply with the department's standards for state projects. A facility constructed by and leased to a private entity shall, during the term of the lease, be deemed to be a part of the state highway system for all purposes not inconsistent with this section.

Section 171. Subsection (1) of section 336.045, Florida Statutes, is amended to read:

336.045 Uniform minimum standards for design, construction, and maintenance; advisory committees.—

(1) The department shall develop and adopt uniform minimum standards and criteria for the design, construction, and maintenance of all public streets, roads, highways, bridges, sidewalks, curbs and curb ramps, crosswalks, where feasible, bicycle ways, underpasses, and overpasses used by the public for vehicular and pedestrian traffic. The minimum standards adopted shall include a requirement that permanent curb ramps be provided at crosswalks at all intersections where curbs and sidewalks are constructed in order to give handicapped persons and persons in wheelchairs safe access to crosswalks. *Such standards shall also include an environmental design component providing for consideration of landscaping and other design features aimed at making transportation facilities compatible with surrounding development.*

Section 172. Subsection (1) of section 403.718, Florida Statutes, 1988 Supplement, as amended by section 7 of chapter 89-171, Laws of Florida, is amended to read:

403.718 Waste tire fees.—

(1) *It is the legislative intent that every person is engaged in a taxable privilege who sells new motor vehicle tires. A fee for each new motor vehicle tire sold at retail is imposed on the any person engaging in the business of making retail sales of new motor vehicle tires within this state. For the period January 1, 1989, through December 31, 1989, such fee shall be imposed at the rate of 50 cents for each new tire sold. The fee imposed under this section shall be stated separately on the invoice or other sales document to the purchaser. Beginning January 1, 1990, and thereafter, such fee shall be imposed at the rate of \$1 for each new tire sold. The fee imposed shall be paid to the Department of Revenue on or before the 20th day of the month following the calendar month quarter in which the sale occurs. For*

*purposes of this section, a motor vehicle tire sold at retail includes a tire sold as a component of a motor vehicle. The terms "sold at retail" and "retail sales" do not include the sale of new motor vehicle tires to a person solely for the purpose of resale provided the subsequent retail sale in this state is subject to the fee. This fee does not apply to recapped tires. Such fee shall not be subject to all applicable taxes imposed in part I of chapter 212. The provisions of s. 212.07(4) shall not apply to the provisions of this section.*

Section 173. Subsection (1) of section 403.7185, Florida Statutes, as created by section 8 of chapter 89-171, Laws of Florida, is amended to read:

403.7185 Lead-acid battery fees.—

(1) *It is the legislative intent that every person is engaged in a taxable privilege who sells new or remanufactured lead-acid batteries. A fee for each new or remanufactured lead-acid battery sold at retail is imposed on the any person engaging in the business of making retail sales of lead-acid batteries within this state. Beginning October 1, 1989, and thereafter, such fee shall be imposed at the rate of \$1.50 for each new or remanufactured lead-acid battery sold. However, the fee shall not be imposed on any battery which has previously been taxed pursuant to s. 206.9935(2), provided the person claiming exemption from the tax can document payment of such tax. The fee imposed shall be paid to the Department of Revenue on or before the 20th day of the month following the calendar month in which the sale occurs. The department may authorize a quarterly return under the conditions described in s. 212.11(1)(c). A dealer selling motor vehicles, vessels, or aircraft at retail can purchase lead-acid batteries exempt as a sale for resale by presenting a sales tax resale certificate. However, if a dealer thereafter withdraws any such battery from inventory to put into a new or used motor vehicle, vessel, or aircraft for sale, to use on his own motor vehicle, vessel, or aircraft, to give away, or any purpose other than for resale, the dealer will owe the fee at the time the battery is withdrawn from inventory. If the dealer sells the battery at retail, that sale will be subject to the fee. If the dealer sells it to a purchaser who presents him a sales tax resale certificate, the dealer will owe no fee. The terms "sold at retail" and "retail sales" do not include the sale of new or remanufactured lead-acid batteries to a person solely for the purpose of resale; however, a subsequent retail sale in this state is subject to the fee. Such fee shall not be subject to all applicable taxes imposed in part I of chapter 212. The provisions of s. 212.07(4) shall not apply to the provisions of this section. When a sale of a lead-acid battery, upon which the fee has been paid, is canceled or the battery is returned to the seller, and the sale price, taxes, and fees are refunded in full to the purchaser, the seller may take credit for the fee previously paid. If, instead of refunding the purchase price of the battery, the customer is given a new battery in exchange for the returned battery, the dealer cannot take credit for the fee on the returned battery, but no fee is due on the new battery that is given in exchange. However, no credit shall be taken by the dealer for returns resulting in partial refunds or partial credits on purchase of replacement batteries. The fee imposed under this section shall be stated separately on the invoice or other sales document to the purchaser.*

Section 174. Effective upon becoming a law, section 338.250, Florida Statutes, is created to read:

338.250 Central Florida Beltway Mitigation.—

(1) The Central Florida Beltway, consisting of the Western Beltway, Seminole County Expressway Authority, Southern Connector, and Southern Connector Extension is of regional transportation benefit. It is the intent of the Legislature that the adverse environmental effects of the beltway, or portions thereof, be mitigated through the acquisition of lands and through environmental restoration or creation projects of corresponding regional environmental benefit. The Legislature finds that the acquisition of such lands is reasonably necessary for and constitutes appropriate mitigation for securing applicable environmental permits.

(2) Environmental mitigation required as a result of construction of the beltway, or portions thereof, shall be satisfied in the following manner:

(a) Funds for environmental mitigation shall be deposited in the Central Florida Beltway Trust Fund created within the Department of Transportation at the time the bonds for the specific project are sold. These funds shall be provided from the bond proceeds. The amount to be provided for the Seminole County Expressway shall be \$4 million, the

amount to be provided for the Western Beltway shall be not less than \$30.5 million, the amount to be provided for the Southern Connector shall be not less than \$16 million, and the amount to be provided for the Southern Connector Extension shall be in proportion to the amount provided for the Southern Connector based upon the amount of wetlands displaced, but in no event, less than \$5.5 million. The interest of said funds, as earned, after deposit into the Central Florida Beltway Trust Fund, shall accrue to the agency responsible for the construction of the appropriate project. Where feasible, mitigation funds shall be supplemented with funds from the Conservation and Recreation Lands Trust Fund, Save Our Rivers Land Acquisition Program, or from other appropriate sources.

(b) The Department of Environmental Regulation shall begin immediately upon the effective date of this act to evaluate and review lands being considered for mitigation. The Department of Environmental Regulation, in consultation with the affected water management district and the Environmental Advisory Group to the Central Florida Beltway Project, shall, within 6 months after the issuance of bonds for the right-of-way acquisition and construction, select lands to be acquired for mitigation consistent with the other provisions of this section. Said selection by the Department of Environmental Regulation shall be subject to review by the Governor and Cabinet sitting as the Florida Land and Water Adjudicatory Commission where a petition challenging that selection is filed within 14 days of final agency action.

(c) Pursuant to interagency agreement with the affected water management districts, the Department of Environmental Regulation shall have the environmental permitting and mitigation responsibility for the beltway. Notwithstanding any of the timing provisions in this act, a closing on the acquisition of mitigation land may not occur until all federal, state, and local environmental permits specifying mitigation sites for the projects have been issued.

(d) The mitigation lands acquired for the Western Beltway, Southern Connector, and the Southern Connector Extension shall be located within a proximity of ecosystems affected by the beltway and shall be selected from within the Wekiva River, Lake Apopka, or Econlockhatchee River hydrologic basins, and only to the extent provided in paragraph (e), the Upper Kissimmee chain-of-lakes basins. The lands selected shall be of regional environmental importance based upon criteria which include proximity to water bodies and other publicly held lands, wildlife and endangered species, recreational benefits, and environmental enhancement, restoration, and creation potential.

(e) Mitigation funds derived from the Southern Connector in the amount of \$5 million shall be used to supplement the acquisition of lands within the Upper Kissimmee chain-of-lakes hydrologic basin adjacent to Lake Hatchineha and extending northward, as recommended by the Environmental Advisory Group to the beltway. The execution of the contracts to purchase shall occur no later than 12 months after the issuance of bonds for right-of-way acquisition and construction. To the extent that funds are not committed pursuant to the execution of a contract to purchase within 12 months, such uncommitted funds shall remain in the Central Florida Beltway Project Trust Fund to be used only for acquisition of mitigation lands located within the Wekiva River, Lake Apopka, and Econlockhatchee River hydrologic basins.

(f) A decision by Seminole County Expressway Authority to enter into the Central Florida Beltway Mitigation program established in this section shall be at the sole discretion of the Seminole County Expressway Authority. If the authority elects this participation, the selection of mitigation lands shall be made pursuant to paragraph (b), and contracts to purchase or the filing of declarations of taking pursuant to chapter 73 or chapter 74 shall take place within 15 months after the effective date of project authorization. The Department of Environmental Regulation shall, in consultation with the Seminole County Expressway Authority and affected water management districts, select lands within the Lake Jessup/St. Johns River or Econlockhatchee River hydrologic basins. The lands selected shall be of regional environmental importance based upon criteria which include proximity to water bodies and other publicly held lands, wildlife and endangered species, recreational benefits, and environmental enhancement, restoration, and creation potential.

(g) For lands in the Wekiva River hydrologic basin, the Board of Trustees of the Internal Improvement Trust Fund shall serve as the acquisition agent for the Department of Environmental Regulation. Section 253.025 notwithstanding, the Division of State Lands of the Department of Natural Resources may contract with, or otherwise enter into

agreements with, the agency responsible for the right-of-way acquisition of the beltway for the provision of appraisals of mitigation projects. Such appraisals may be made by the agency responsible for the right-of-way acquisition of the beltway either in conjunction with, or separate from, appraisals of property necessary for right-of-way acquisition.

(h) For lands outside the Wekiva River hydrologic basin, the affected water management district shall serve as acquisition agent for the Department of Environmental Regulation using the procedures in accordance with s. 373.139. Title to lands which are acquired by a water management district as mitigation lands shall be held by the affected water management district and may be transferred, if appropriate for management purposes, to the Board of Trustees of the Internal Improvement Trust Fund or the Game and Fresh Water Fish Commission.

(i) Management plans for mitigation lands shall be prepared and implemented by the agency holding title to the lands in consultation with the Environmental Advisory Group to the Central Florida Beltway Project and other environmental agencies.

(j) The limitations of ss. 373.139(2) and 253.025 notwithstanding, an affected water management district or the Board of Trustees of the Internal Improvement Trust Fund may exercise all powers conferred by s. 337.27, in order to acquire the mitigation lands located within the Wekiva River, Lake Apopka, and Econlockhatchee River hydrologic basins. If the declarations of taking pursuant to chapter 73 or chapter 74 have not been filed within 15 months after the issuance of bonds for right-of-way acquisition and construction, such powers shall lapse.

Section 175. Section 236.76, Florida Statutes, is created to read:

236.76 Sales surtax; authorization and use of proceeds.—

(1) A school district may receive a portion of the proceeds from a local government infrastructure surtax levied under s. 212.055(2), the amount of which shall be as negotiated and provided in an interlocal agreement among the school district, the county governing authority, and the governing bodies of the municipalities representing a majority of the county's municipal population.

(2)(a) The share of surtax proceeds received by the school district shall be expended within the district to finance, plan, and construct infrastructure. Neither the proceeds nor any interest accrued thereto shall be used for operational expenses of any infrastructure.

(b) For purposes of this subsection, "infrastructure" means any fixed capital expenditure or fixed capital costs associated with the construction, reconstruction, or improvement of school plants which have a life expectancy of 5 or more years and any land acquisition, land improvement, design, and engineering costs related thereto.

(3) School districts receiving proceeds under the provisions of this section may pledge or use such proceeds to retire or otherwise service revenue or general obligation indebtedness incurred pursuant to law.

Section 176. Sections 206.08, 206.25, 206.435, 206.49, 206.625, 206.63, 206.64, 206.93, 206.94, 206.945, 212.60, 212.62, 212.6201, 212.63, 212.635, 212.64, 212.65, 212.655, 212.66, and 336.026, Florida Statutes, and section 212.61, Florida Statutes, 1988 Supplement, are hereby repealed.

Section 177. Subsection (6) of section 339.135, Florida Statutes, as amended by chapter 89-301, Laws of Florida, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(6) ADOPTION OF THE WORK PROGRAM.—The original approved budget for operational and fixed capital expenditures for the department shall be the Governor's budget recommendation and the first year of the tentative work program, as both are amended by the General Appropriations Act and any other act containing appropriations. In accordance with the appropriations act, the department shall, prior to the beginning of the fiscal year, adopt a final work program which shall only include the original approved budget for the department for the ensuing fiscal year together with any rollforwards approved pursuant to paragraph (7)(c) and the portion of the tentative work program for the following 4 fiscal years revised in accordance with the original approved budget for the department for the ensuing fiscal year together with said rollforwards. The adopted work program may include only those projects submitted as part of the tentative work program developed under the provisions of subsection (4) plus any projects which are separately identified

by specific appropriation in the General Appropriations Act and any roll-forwards approved pursuant to paragraph (7)(c). *However, any project which is identified by specific appropriation in the General Appropriations Act shall also be identified as a debit against the funds annually distributed to the respective district pursuant to paragraph (4)(a).* In the event that additional funds are appropriated in excess of those required to fund the projects contained in the tentative work program developed pursuant to this subsection paragraph, such funds shall be utilized only on projects developed under paragraph (4)(j). In addition, the department shall not in any year include any project or allocate funds to a program in the adopted work program that is contrary to existing law for that particular year. Projects shall not be undertaken unless they are listed in the adopted work program.

Section 178. In implementing this act, the Department of Transportation and the Department of General Services shall institute procedures to encourage the awarding of contracts for commodities, construction, and contractual services to certified minority business enterprises approved pursuant to section 287.0943, Florida Statutes. The Department of Transportation and the Department of General Services shall develop and implement activities to encourage the participation of minority business enterprises in the contracting process and both departments shall report to the Legislature prior to January 1, 1991 on their individual efforts to increase minority business participation. Such efforts may include:

- (1) Presolicitation or prebid meetings for the purpose of informing minority business enterprises of contracting opportunities.
- (2) Written notice to minority business enterprises of contract opportunities for commodities or contractual and construction services which the minority business provides.
- (3) Provision of adequate information to minority business enterprises about the plans, specifications, and requirements of contracts or the availability of jobs.
- (4) Breaking large contracts into several single purpose contracts of a size which may be obtained by certified minority business enterprises.

Section 179. Paragraph (4)(b) of section 287.012, Florida Statutes, is amended to read:

287.012 Definitions.—The following definitions shall apply in this part:

(4)(a) "Contractual service" means the rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors, and such services may include, but are not limited to, evaluations; consultations; maintenance; accounting; security; management systems; management consulting; educational training programs; research and development studies or reports on the findings of consultants engaged thereunder; and professional, technical, and social services.

(b) *Except for the purposes of section 287.042(4)(f), Florida Statutes, "contractual service" does not include:*

1. Artistic services.
2. Academic program reviews or lectures by individuals.
3. Auditing services.
4. Legal services including paralegals, expert witnesses including appraisal services, and court reporters.
5. Health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration.
6. Services provided to persons with mental or physical disabilities by not-for-profit corporations which have obtained exemptions under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954 or when such services are governed by the provisions of Office of Management and Budget Circular A-122. However, in acquiring such services, the agency shall consider the ability of the contractor, past performances, willingness to meet time requirements, and price.

7. Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Department of Health and Rehabili-

tative Services shall be exempt from the provisions of this section. However, this exception shall be valid for a period not to exceed 90 days after the date of delivery of service to the Medicaid recipient and shall not be renewed by the department.

#### 8. Family placement services.

9. Prevention services related to mental health, including drug abuse prevention programs, child abuse prevention programs, and shelters for runaways, operated by not-for-profit corporations. However, in acquiring such services, the agency shall consider the ability of the contractor, past performance, willingness to meet time requirements, and price.

Section 180. The Florida Transportation Commission, in conjunction with the Metropolitan Planning Organization Advisory Committee created by section 339.155, Florida Statutes, shall conduct a review of the responsibilities imposed upon metropolitan planning organizations by state or federal law or rule or regulation and shall assess the adequacy of funding in light of such mandated responsibilities. The Florida Transportation Commission shall submit a report of its findings to the Transportation Committees of the Florida Senate and House of Representatives prior to April 1, 1990.

Section 181. Except as otherwise provided in this act, this act shall take effect January 1, 1990.

**Amendment 2**—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to transportation; amending s. 119.07, F.S.; correcting a cross-reference; amending s. 332.004, F.S.; providing definitions; amending s. 332.006, F.S.; providing for separate identification of development projects and discretionary capacity improvement projects in the statewide aviation system plan; authorizing the expenditure of funds on road and rail transportation systems which provide direct access to airport property; amending s. 332.007, F.S.; providing that compliance with the reporting requirements of s. 326.006(10), F.S., is a prerequisite to eligibility for funds under this section; providing that airport sponsors must establish airport master plans that are consistent with the approved local government comprehensive plans; requiring consistency of aviation projects with airport master plans as a condition for state funding eligibility; providing funding priority for specified airport development projects; authorizing expenditure of funds for projects which provide for construction of an automatic weather observation station; authorizing retroactive reimbursement for the non-federal share of certain land acquisition projects; authorizing participation by the Department of Transportation in the capital cost of eligible public airport and aviation discretionary capacity improvement projects; limiting the amount of discretionary capacity improvement project funds that a single airport may receive; allowing the department to transfer funds for discretionary capacity improvement projects within the discretionary capacity improvements program; setting the maximum percentage of eligible project costs that the department may provide for eligible discretionary capacity improvement projects, including land acquisition projects; amending s. 332.01, F.S.; revising the definition of "airport" to include access to airport facilities; amending s. 333.01, F.S.; providing definitions; amending s. 333.02, F.S.; providing for regulation of land uses in the vicinity of airports; amending s. 333.03, F.S.; providing procedures for adoption of airport zoning regulations; requiring interim airport land use compatibility zoning regulations, except in specified circumstances; creating the Airport Safety and Land Use Compatibility Study Commission; amending s. 333.05, F.S.; providing procedures for the adoption of zoning regulations; amending s. 333.06, F.S.; providing for airport zoning requirements; providing purposes and requiring independent justification for each aspect of such purpose; amending s. 333.07, F.S.; providing for variance requirements; creating s. 332.115, F.S.; providing for transportation corridors connecting ports and airports to be established and operated pursuant to a joint project agreement; providing for review by the department; amending s. 337.242, F.S.; providing that movement of people and goods to and from the ports of this state is a transportation use; amending s. 337.25, F.S.; providing for lease of rail corridors to ports; creating s. 311.07, F.S.; creating the Florida Seaport Transportation and Economic Development Trust Fund; providing for the Florida Seaport Transportation and Economic Development Trust Fund to be funded from the Transportation Trust Fund; authorizing uses of moneys in the trust fund to provide grants for specified port facilities and improvements on a 50-50 matching basis; specifying eligibility for project funding; providing limitations on receipt of moneys from the trust fund; requiring ports which receive port improvement funds to institute equal opportunity hiring procedures for jobs created as a result of such funds; requiring ports that receive moneys from the fund to file audited finan-

cial statements with the department; providing for future review and repeal; creating s. 311.09, F.S.; creating the Florida Seaport Transportation Economic Development Council within the Department of Commerce to approve and rank projects for funding; providing for membership of the council; requiring the council to create and annually update a 5-year Florida Seaport Mission Plan; requiring the council to annually submit the Florida Seaport Mission Plan to the President of the Senate, the Speaker of the House of Representatives, the Department of Commerce, the Department of Transportation and the Department of Community Affairs; requiring the council to adopt rules for evaluating and ranking projects; requiring the council to submit a list of projects it approves for funding to the Department of Transportation, the Department of Commerce, and the Department of Community Affairs for review; requiring the council to review the findings of such agencies; specifying certain requirements relative to the council's budget request; requiring the Department of Commerce to include a block grant appropriation for port improvement projects in its annual budget request; providing meeting and voting requirements for the council; providing for per diem and travel expenses of council members; providing for administrative costs; providing for future review and repeal; amending s. 339.175, F.S., relating to transportation planning organizations; revising membership of metropolitan planning organizations; amending s. 341.031, F.S.; revising definitions for purposes of the Florida Public Transit Act; amending s. 341.041, F.S.; requiring the Department of Transportation to develop and administer state measures concerning public transit systems and including productivity and cost distribution in such measures; deleting the term "standards" and substituting "measures"; revising the measures for certain responsibilities of the department relating to operation of transit systems; amending s. 341.051, F.S.; requiring the department to develop a capital investment policy and to submit the policy and recommended legislation to specified legislative committees; creating s. 341.052, F.S.; establishing a public transit block grant program; providing uses for which block grant funds may be expended; providing limitations on use of funds; providing for distribution of funds; providing for review of the distribution of funds by the Coordinating Council on the Transportation Disadvantaged and for a report of recommendations to legislative transportation committees; creating s. 341.053, F.S.; creating an intermodal development program; requiring the department to administer the program; providing priorities for funding projects within such program; creating s. 341.071, F.S.; requiring the establishment of public transportation master plans consistent with approved local comprehensive plans; requiring eligible public transit providers to establish productivity and performance measures; requiring certain reports and publication with respect to such measures; amending s. 341.102, F.S.; deleting the prohibition preventing local governments from economically regulating nonpublic-sector buses engaged in intercity transportation; prohibiting such regulations of nonpublic-sector buses engaged primarily in intercounty transportation; amending s. 206.46, F.S.; providing funding for the Urban Transportation Trust Fund; providing minimum percentages of the State Transportation Trust Fund that the Department of Transportation must allocate to fund specified categories of public transportation projects; creating s. 338.001, F.S.; requiring the department to plan and develop a proposed Florida Intrastate Highway System Plan; requiring certain components to be included in the system; prescribing policy guidelines; providing an objective; requiring the department to establish standards and criteria for facilities proposed to be part of the system; providing funding for developing the plan; prohibiting the construction of a project as part of the Florida Intrastate Highway System if the project is not in the system plan; requiring the proposed system plan to be submitted to the Legislature; amending s. 334.03, F.S.; amending definitions of terms used in the Florida Transportation Code; defining the term "Florida Intrastate Highway System"; amending s. 334.046, F.S.; adding to the program of objectives of the department the objective of developing and implementing that system; amending ss. 288.063, 479.01, F.S.; amending cross-references; amending s. 338.221, F.S.; providing definitions of terms used in the "Florida Turnpike Law"; amending s. 338.222, F.S.; allowing the department to contract with local government entities for the design or construction of, or right-of-way acquisition for, legislatively approved turnpike projects; amending s. 338.223, F.S.; providing for proposed turnpike projects; requiring a finding of environmental feasibility; amending s. 338.227, F.S.; restricting the turnpike projects which may be paid for by turnpike revenue bonds to those which are legislatively authorized; creating s. 338.2275, F.S.; listing approved turnpike projects; providing the maximum amount of bonds that may be issued to fund such projects; amending s. 215.82, F.S.; requiring that actions to validate turnpike bonds be filed in the circuit court of the county where the seat of state government is situated; amending s. 338.228, F.S.; restricting the use of

state funds for turnpike revenue bonds or turnpike projects; amending s. 338.231, F.S.; allowing the department to establish toll rates higher than the uniform system rate in specified circumstances; amending s. 338.251, F.S.; providing restrictions on the repayment of, and eligibility for, advances from the Toll Facilities Revolving Trust Fund; providing for deposit of repayments into the Toll Facilities Revolving Trust Fund; providing for an exception; creating the Florida Expressway Authority Act; providing definitions; providing for the creation of expressway authorities by counties and certain contiguous counties; providing for the governing body of an expressway authority; authorizing an expressway authority to construct and operate expressway systems within its geographic boundaries; providing rights and powers of an expressway authority; providing that consent of a municipality for an expressway within its boundaries is not required; requiring certain public hearings; authorizing the issuance of bonds on behalf of an expressway authority; authorizing a lease-purchase agreement between the Department of Transportation and an expressway authority; requiring that a pledge of county gasoline tax funds under such a lease-purchase agreement be made pursuant to resolution by the board of county commissioners; providing for the department to be appointed agent for construction of an expressway system; providing for an expressway authority to acquire lands and property; authorizing an expressway authority to exercise the right of eminent domain; exempting an authority from certain liability due to soil or groundwater contamination; authorizing other units of government to enter into contracts and agreements with an expressway authority; providing a covenant that the state shall not alter rights of an expressway authority or the department until all bonds issued pursuant to the act are discharged; exempting the property and revenues of an expressway authority from taxation; providing that the Florida Expressway Authority Act does not apply to counties in certain circumstances; creating s. 337.276, F.S.; providing for the acquisition in advance of rights-of-way; providing for the division of amounts allocated to such acquisition; authorizing the issuance of bonds to finance such acquisition; amending s. 335.185, F.S.; providing permitting conditions; amending s. 73.091, F.S.; providing for payment of the costs of eminent domain proceedings; creating s. 73.032, F.S.; providing criteria for an offer of judgment in eminent domain proceedings; amending s. 73.092, F.S.; providing criteria for the award of attorneys' fees in eminent domain proceedings; amending s. 337.271, F.S.; authorizing the use of mediation in eminent domain proceedings; allowing actions for the recovery of reasonable costs; providing for the applicability of the provisions of this act that pertain to eminent domain proceedings; amending s. 339.12, F.S.; providing for aid and contributions by governmental entities for rights-of-way, construction, or maintenance of roads in the State Highway System; providing for agreements between the department and the governing body of a governmental entity to perform projects related to roads that are not revenue-producing; allowing the department to reimburse the governmental entity for such project; providing restrictions upon such reimbursement; amending s. 335.20, F.S.; providing restrictions and conditions on departmental funding for projects funded under this section; requiring the department to develop criteria to determine whether a road is of statewide or regional significance, to submit these criteria to the Florida Transportation Commission for approval, and to propose a reclassification based on the criteria; requiring the commission to determine the fiscal impact on state and local governments of the proposed reclassification and a timetable for the phased transfer of roads; prohibiting the initiation of transfers of roads after a specified date; amending s. 120.53, F.S.; revising a provision of the Administrative Procedure Act with respect to agency notice of a decision on bids to allow notification by express delivery service; amending s. 337.106, F.S.; providing that the requirement for professional liability insurance with respect to firms rendering certain services to the Department of Transportation may be waived by the department under certain circumstances; amending s. 337.11, F.S.; revising provisions relating to contracting with the Department of Transportation; providing for bid solicitation notices with respect to certain contracts; revising language with respect to protests, bids, and recordkeeping; amending s. 337.16, F.S.; providing an exception to the requirement of disqualification of delinquent contractors; correcting a cross-reference; amending s. 337.175, F.S.; revising language with respect to retainage; amending s. 287.042, F.S.; defining the terms "minority business enterprise" and "minority person"; amending s. 339.135, F.S.; providing for allocating public transit block grants; providing requirements for the tentative work program; amending s. 339.155, F.S.; providing requirements of the Florida Transportation Plan; revising deadlines pertaining to the tentative work program, the report required by s. 339.135(4)(j), F.S., and updates of the Florida Transportation Plan; amending s. 212.055, F.S.; removing referendum requirements for the

local government infrastructure surtax and the transit system surtax; specifying counties which may levy such taxes; providing for distribution of the local government infrastructure surtax to school districts; creating ss. 206.101, 206.102, F.S.; consolidating state taxes on motor fuel and local option taxes on motor fuel; providing for collection, enforcement, and administration of such taxes; providing collection allowances; providing for additional taxes on motor fuel; providing for annual adjustment of tax rate; renumbering and amending ss. 206.23, 206.02, 206.021, 206.404, 206.055, 206.026, 206.027, 206.028, 206.03, 206.04, 206.05, 206.065, 206.43, 206.09, 206.095, 206.10, 206.48, 206.485, 206.62, 206.42, 206.41, 206.425, 212.67, 206.11, 206.44, 206.426, 206.56, 206.14, 206.18, 206.06, 206.07, 206.075, 206.19, 206.21, 206.215, 206.24, 206.27, 206.59, 206.406, 206.45, 206.47, 206.60, 206.605, 212.69, 206.89, 206.90, 206.91, 206.87, 206.877, 206.875, 206.879, 206.97, F.S.; creating s. 206.703, F.S.; amending ss. 206.01, 206.9915, 206.9825, 206.9845, 206.9931, 206.9942, 207.003, 207.005, 212.05, 212.08, 336.021, 336.025, F.S.; consolidating and reorganizing provisions of chapters 206, 212, 336, F.S., relating to the taxation of motor fuel; providing for the return of certain taxes paid by a school district to such school district; providing for a tax on special fuel; providing for the deposit of such tax into the Local Government Special Fuel Tax Trust Fund for distribution to counties and municipalities; revising certain tax exemptions relating to special fuels; imposing a penalty for failure to make certain reports; revising certain cross-references; revising certain definitions; creating s. 206.178, F.S.; authorizing certain importers and jobbers to self-accrue and remit taxes under certain circumstances; providing an exemption from paying certain taxes; renumbering ss. 206.022, 206.025, 206.12, 206.15, 206.16, 206.17, 206.175, 206.20, 206.204, 206.205, 206.22, 206.28, 206.405, 206.445, 206.46, 206.61, 206.85, 206.86, 206.88, 206.92, 206.96, F.S.; amending ss. 7.52, 163.3184, 207.023, 207.026, 215.22, 218.21, 336.024, 376.301, 849.092, F.S.; correcting cross-references; including the Local Government Special Fuel Tax Trust Fund in a list of funds assessed a service charge for deposit in the General Revenue Fund; amending s. 320.072, F.S.; providing for a fee increase on certain motor vehicle registration transactions; amending s. 212.0606, F.S.; increasing the surcharge on the lease or rental of certain motor vehicles; providing for distribution; amending s. 320.08, F.S.; providing a uniform license tax for automobiles for private use and certain trucks; amending s. 320.14, F.S.; providing that fractional license taxes are not applicable to automobiles for private use and certain trucks, trailers, and semitrailers; providing alternative fractional license taxes for certain truck tractors; amending ss. 206.877, 212.05, 320.055, 320.06, 320.0609, 320.0805, 320.083, 320.0843, 348.217, F.S.; conforming cross-references; amending s. 320.03, F.S.; raising the fee on license registration; providing for the amount of such fee to be returned to counties for air pollution control programs; amending ss. 163.803, 163.805, 163.806, 163.807, 163.808, F.S.; deleting references to the metropolitan transit authority local option gas tax, which is repealed by this act; amending s. 336.045, F.S.; providing an environmental design component in certain uniform minimum standards of the Department of Transportation; amending ss. 403.718, 403.7185, F.S.; removing the requirement that waste tire fees and lead-acid battery fees are subject to state and local sales taxes; creating s. 338.250, F.S.; providing for Central Florida Beltway Mitigation; providing legislative intent; providing a procedure for environmental mitigation required as a result of construction of the beltway; creating s. 236.76, F.S.; providing for distribution of the local government infrastructure surtax to school districts; providing for expenditure of proceeds; providing a definition; repealing ss. 206.08, 206.25, 206.435, 206.49, 206.625, 206.63, 206.64, 206.93, 206.94, 206.945, 212.60, 212.61, 212.62, 212.6201, 212.63, 212.635, 212.64, 212.65, 212.655, 212.66, 336.026, F.S., relating to the motor fuel tax and the sales tax on motor fuel and special fuel; allowing the department and private entities to enter into contracts for the construction and leasing of public transportation demonstration projects; providing for procedures to encourage awarding of contracts for commodities, construction, and contractual services to certified minority business enterprises; amending s. 287.012, F.S.; modifying the definition of the term "contractual service" with respect to the procurement of such services; requiring the Florida Transportation Commission to study the responsibilities of Metropolitan Planning Organizations and to report its findings to the Legislature; amending s. 339.135, F.S.; providing that certain projects identified in the General Appropriations Act shall also be identified as a debit against described funds; providing effective dates.

On motion by Senator Beard, by two-thirds vote HB 52-D as amended was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—25

Mr. President	Forman	Kiser	Scott
Bankhead	Girardeau	Langley	Thurman
Beard	Grant	Malchon	Weinstein
Brown	Grizzle	Margolis	Woodson-Howard
Crenshaw	Jennings	McPherson	
Davis	Johnson	Meek	
Dudley	Kirkpatrick	Myers	

## Nays—12

Bruner	Deratany	Plummer	Thomas
Childers, D.	Diaz-Balart	Souto	Walker
Childers, W. D.	Gardner	Stuart	Weinstock

## Conferees on HB 52-D Appointed

The President appointed Senator Beard, Chairman; Senators Forman, Jennings, Kirkpatrick, Kiser, Girardeau, Thurman; and alternate: Senator Dudley.

On motions by Senator Margolis, by two-thirds vote HB 53-D was withdrawn from the Committees on Transportation and Appropriations.

On motion by Senator Margolis, by unanimous consent—

**HB 53-D**—A bill to be entitled An act making supplemental appropriations to the 1989 General Appropriations Act; providing additional moneys for the annual period beginning July 1, 1989, and ending on June 30, 1990, to pay salaries, other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the Department of Transportation which are in addition to those moneys appropriated in Chapter 89-253, Laws of Florida; providing an effective date.

—was taken up instanter. On motion by Senator Margolis, by two-thirds vote HB 53-D was read the second time by title.

Senator Margolis moved the following amendments which were adopted:

**Amendment 1**—On page 1, strike everything after the enacting clause and insert:

SECTION 1. The moneys contained herein are appropriated from the named funds for the 1989-90 Fiscal Year to the state agency indicated, to be used to supplement or adjust the appropriations made in Section 1 of Chapter 89-253, Laws of Florida, as supplemental or adjustment amounts to be used to pay the salaries and other operational expenditures of the named agencies.

## TRANSPORTATION, DEPARTMENT OF

## FINANCE AND ADMINISTRATION

1	SALARIES AND BENEFITS	POSITIONS 10
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND . . . . .	204,864
2	OTHER PERSONAL SERVICES	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND . . . . .	250,000
	FROM WORKING CAPITAL TRUST FUND . . . . .	25,000
3	EXPENSES	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND . . . . .	1,522,372
	FROM WORKING CAPITAL TRUST FUND . . . . .	1,000,000
4	OPERATING CAPITAL OUTLAY	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND . . . . .	854,700
	FROM WORKING CAPITAL TRUST FUND . . . . .	1,000,000
5	SPECIAL CATEGORIES	
	OVERTIME	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND . . . . .	80,000
	FROM WORKING CAPITAL TRUST FUND . . . . .	25,000



6 SPECIAL CATEGORIES  
 PAYMENTS FOR CENTRALIZED SUPPORT SERVICES  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 800,000

7 DATA PROCESSING SERVICES  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 300,000

## CENTRALIZED MOBILE EQUIPMENT AND WAREHOUSE OPERATIONS

8 EXPENSES  
 FROM ADMINISTRATIVE TRUST FUND . . . . . 3,450,000

9 SPECIAL CATEGORIES  
 ACQUISITION OF MOTOR VEHICLES  
 FROM ADMINISTRATIVE TRUST FUND . . . . . 20,000,000

## PLANNING AND ENGINEERING

10 SALARIES AND BENEFITS POSITIONS 10  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 149,060

11 OTHER PERSONAL SERVICES  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 150,000

12 EXPENSES  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 942,000

13 OPERATING CAPITAL OUTLAY  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 100,000

14 SPECIAL CATEGORIES  
 CONSULTANT FEES  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 4,100,000

15 SPECIAL CATEGORIES  
 ENGINEERING AND PLANNING CONSULTANTS  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 500,000

16 SPECIAL CATEGORIES  
 OVERTIME  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 100,000

17 SPECIAL CATEGORIES  
 PAYMENTS FOR CENTRALIZED SUPPORT SERVICES  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 2,600,000

18 DATA PROCESSING SERVICES  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 500,000

## TURNPIKE OPERATIONS

19 EXPENSES  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 330,000

20 OPERATING CAPITAL OUTLAY  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 300,000

## DISTRICT ADMINISTRATION

21 OTHER PERSONAL SERVICES  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 25,000

22 EXPENSES  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 1,500,000

23 OPERATING CAPITAL OUTLAY  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 35,000

24 SPECIAL CATEGORIES  
 OVERTIME  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 10,000

25 SPECIAL CATEGORIES  
 PAYMENTS FOR CENTRALIZED SUPPORT SERVICES  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 100,000

26 DATA PROCESSING SERVICES  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 100,000

## DISTRICT PLANNING AND PUBLIC TRANSIT

27 OTHER PERSONAL SERVICES  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 10,000

28 EXPENSES  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 185,000

29 AID TO LOCAL GOVERNMENTS  
 TRANSPORTATION PLANNING GRANTS  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 775,000

30 OPERATING CAPITAL OUTLAY  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 595,000

31 SPECIAL CATEGORIES  
 ENGINEERING AND PLANNING CONSULTANTS  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 1,000,000

32 SPECIAL CATEGORIES  
 GRANTS AND AIDS - ELDERLY AND HANDICAPPED  
 CAPITAL ASSISTANCE  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 200,000

33 SPECIAL CATEGORIES  
 ENGINEERING CONSULTANTS  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 1,000,000

34 SPECIAL CATEGORIES  
 OVERTIME  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 10,000

35 SPECIAL CATEGORIES  
 PAYMENTS FOR CENTRALIZED SUPPORT SERVICES  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 500,000

36 SPECIAL CATEGORIES  
 PUBLIC TRANSPORTATION STRUCTURES  
 IMPROVEMENTS  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 10,600,000

37 DATA PROCESSING SERVICES  
 FROM STATE TRANSPORTATION (PRIMARY)  
 TRUST FUND . . . . . 200,000

## DISTRICT PRODUCTION

38	SALARIES AND BENEFITS	POSITIONS 80
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND . . . . .	1,190,479
39	OTHER PERSONAL SERVICES	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND . . . . .	100,000
40	EXPENSES	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND . . . . .	820,000
41	OPERATING CAPITAL OUTLAY	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND . . . . .	1,950,000
42	SPECIAL CATEGORIES	
	CONSULTANT FEES	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND . . . . .	200,000
43	SPECIAL CATEGORIES	
	HIGHWAY BEAUTIFICATION PAYMENTS	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND . . . . .	1,000,000
44	SPECIAL CATEGORIES	
	OVERTIME	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND . . . . .	450,000
45	SPECIAL CATEGORIES	
	PAYMENTS FOR CENTRALIZED SUPPORT SERVICES	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND . . . . .	1,600,000
46	DATA PROCESSING SERVICES	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND . . . . .	700,000

## DISTRICT OPERATIONS

47	OTHER PERSONAL SERVICES	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND . . . . .	200,000
48	EXPENSES	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND . . . . .	1,700,000
49	AID TO LOCAL GOVERNMENTS	
	HIGHWAY BEAUTIFICATION GRANTS	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND . . . . .	1,400,000
50	OPERATING CAPITAL OUTLAY	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND . . . . .	100,000
51	SPECIAL CATEGORIES	
	FAIRBANKS HAZARDOUS WASTE SITE	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND . . . . .	500,000
52	SPECIAL CATEGORIES	
	CONSULTANT FEES	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND . . . . .	5,000,000
53	SPECIAL CATEGORIES	
	MAINTENANCE AND OPERATIONS CONTRACTS	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND . . . . .	4,000,000
54	SPECIAL CATEGORIES	
	OVERTIME	

## FROM STATE TRANSPORTATION (PRIMARY)

TRUST FUND . . . . . 1,300,000

## 55 SPECIAL CATEGORIES

## PAYMENTS FOR CENTRALIZED SUPPORT SERVICES

## FROM STATE TRANSPORTATION (PRIMARY)

TRUST FUND . . . . . 17,850,000

## 56 DATA PROCESSING SERVICES

## FROM STATE TRANSPORTATION (PRIMARY)

TRUST FUND . . . . . 250,000

## TOTAL OF SECTION 1

POSITIONS 100

FROM TRUST FUNDS . . . . . 96,438,475

TOTAL ALL FUNDS . . . . . 96,438,475

## SECTION 2 - FIXED CAPITAL OUTLAY

## SPECIFIC APPROPRIATION

## SECTION 2B - AGENCY MANAGED CONSTRUCTION

The moneys contained herein are appropriated from the named funds to the state agencies indicated, as amounts for fixed capital outlay and are to be used to supplement the appropriations made in Section 2.2 of Chapter 89-253, Laws of Florida.

## TRANSPORTATION, DEPARTMENT OF

## PLANNING AND ENGINEERING

## 57 FIXED CAPITAL OUTLAY

## STATEWIDE FACILITIES MAINTENANCE

## FROM STATE TRANSPORTATION (PRIMARY)

TRUST FUND . . . . . 1,500,000

## DISTRICT ADMINISTRATION

## 58 FIXED CAPITAL OUTLAY

## ASBESTOS REMOVAL, STATEWIDE

## FROM STATE TRANSPORTATION (PRIMARY)

TRUST FUND . . . . . 2,200,000

## 59 FIXED CAPITAL OUTLAY

## TAMPA DISTRICT OFFICE PHASE 1, 2, AND 3

## FROM STATE TRANSPORTATION (PRIMARY)

TRUST FUND . . . . . 11,000,000

## TOTAL OF SECTION 2B

FROM TRUST FUNDS . . . . . 14,700,000

TOTAL ALL FUNDS . . . . . 14,700,000

## SECTION 2F - DEPARTMENT OF TRANSPORTATION WORK PROGRAM

The moneys contained herein are appropriated from the named funds to the Department of Transportation and are to be used to supplement the appropriations made in Section 2.6 of Chapter 89-253, Laws of Florida.

## TRANSPORTATION, DEPARTMENT OF

## PLANNING AND ENGINEERING

## 60 FIXED CAPITAL OUTLAY

## BRIDGE DESIGN CONSULTANTS

## FROM STATE TRANSPORTATION (PRIMARY)

TRUST FUND . . . . . 820,496

## TURNPIKE OPERATIONS

- 61 FIXED CAPITAL OUTLAY  
RIGHT-OF-WAY ACQUISITION CONSULTANTS  
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 29,200,000
- 62 FIXED CAPITAL OUTLAY  
RIGHT-OF-WAY OTHER PERSONAL SERVICES FEES  
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 5,700,000
- 63 FIXED CAPITAL OUTLAY  
TURNPIKE CONSULTANTS  
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 7,002,040
- 64 FIXED CAPITAL OUTLAY  
TURNPIKE RIGHT-OF-WAY LAND ACQUISITION  
FROM TURNPIKE GENERAL RESERVE TRUST FUND .141,607,544
- 65 FIXED CAPITAL OUTLAY  
TURNPIKE CONSTRUCTION  
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 29,041,000
- 66 FIXED CAPITAL OUTLAY  
TURNPIKE CONSTRUCTION INSPECTION  
CONSULTANT  
FROM TURNPIKE GENERAL RESERVE TRUST FUND . .826,993

## DISTRICT PLANNING AND PUBLIC TRANSIT

- 67 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND  
NONPROFIT ORGANIZATIONS  
AVIATION MATCH GRANTS  
FROM STATE TRANSPORTATION (PRIMARY)  
TRUST FUND . . . . .12,200,000
- 68 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND  
NONPROFIT ORGANIZATIONS  
GRANTS AND AIDS - BLOCK GRANTS FOR  
OPERATING ASSISTANCE  
FROM STATE TRANSPORTATION (PRIMARY)  
TRUST FUND . . . . . 4,800,000
- 69 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND  
NONPROFIT ORGANIZATIONS  
MASS TRANSIT MATCH GRANTS  
FROM STATE TRANSPORTATION (PRIMARY)  
TRUST FUND . . . . . 5,800,000

## DISTRICT PRODUCTION

- 70 FIXED CAPITAL OUTLAY  
INTERSTATE DESIGN CONSULTANTS  
FROM STATE TRANSPORTATION (PRIMARY)  
TRUST FUND . . . . . 2,637,001
- 71 FIXED CAPITAL OUTLAY  
OTHER FEDERAL AID, DESIGN CONSULTANTS  
FROM STATE TRANSPORTATION (PRIMARY)  
TRUST FUND . . . . . 366,291
- 72 FIXED CAPITAL OUTLAY  
RIGHT-OF-WAY OTHER PERSONAL SERVICES FEES  
FROM STATE TRANSPORTATION (PRIMARY)  
TRUST FUND . . . . . 6,356,077
- 73 FIXED CAPITAL OUTLAY  
STATE 100% DESIGN CONSULTANTS  
FROM STATE TRANSPORTATION (PRIMARY)  
TRUST FUND . . . . .40,916,640

## DISTRICT OPERATIONS

- 74 FIXED CAPITAL OUTLAY  
OTHER FEDERAL AID, ROAD CONSTRUCTION  
CONTRACTS  
FROM STATE TRANSPORTATION (PRIMARY)  
TRUST FUND . . . . . 4,286,740

- 75 FIXED CAPITAL OUTLAY  
INTERSTATE RESURFACING/REHABILITATION  
CONSTRUCTION CONTRACTS  
FROM STATE TRANSPORTATION (PRIMARY)  
TRUST FUND . . . . . 4,173,293

- 76 FIXED CAPITAL OUTLAY  
OTHER FEDERAL AID, BRIDGE CONSTRUCTION  
CONTRACTS  
FROM STATE TRANSPORTATION (PRIMARY)  
TRUST FUND . . . . . 1,318,203

- 77 FIXED CAPITAL OUTLAY  
OTHER FEDERAL AID, RESURFACING CONTRACTS  
FROM STATE TRANSPORTATION (PRIMARY)  
TRUST FUND . . . . .13,158,565

- 78 FIXED CAPITAL OUTLAY  
STATE 100% BRIDGE CONSTRUCTION CONTRACTS  
FROM STATE TRANSPORTATION (PRIMARY)  
TRUST FUND . . . . . 2,869,643

- 79 FIXED CAPITAL OUTLAY  
STATE 100% RESURFACING CONSTRUCTION  
CONTRACTS  
FROM STATE TRANSPORTATION (PRIMARY)  
TRUST FUND . . . . . 20,422,664

- 80 FIXED CAPITAL OUTLAY  
STATE 100% ROAD CONSTRUCTION CONTRACTS  
FROM STATE TRANSPORTATION (PRIMARY)  
TRUST FUND . . . . .55,249,105

- 81 FIXED CAPITAL OUTLAY  
TRAFFIC OPERATIONS CONSTRUCTION CONTRACTS  
FROM STATE TRANSPORTATION (PRIMARY)  
TRUST FUND . . . . . 1,606,183

- 82 FIXED CAPITAL OUTLAY  
TRAFFIC SYSTEMS DEVELOPMENT CONSULTANTS  
FROM STATE TRANSPORTATION (PRIMARY)  
TRUST FUND . . . . .72,480

## TOTAL OF SECTION 2F

FROM TRUST FUNDS . . . . . 390,430,958  
TOTAL ALL FUNDS . . . . . 390,430,958

SECTION 3. Any section of this act, or any specific appropriation herein contained, if found to be invalid or vetoed by the Governor without overriding action of the Legislature shall in no way affect other sections or specific appropriations contained in this act.

SECTION 4. This act shall take effect December 1, 1989.

TOTAL THIS GENERAL APPROPRIATION ACT POSITIONS 100

FROM TRUST FUNDS . . . . . 501,569,433  
TOTAL ALL FUNDS . . . . . 501,569,433

**Amendment 2**—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act making supplemental appropriations; providing moneys for the annual period beginning July 1, 1989 and ending June 30, 1990, to pay salaries, other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; supplementing or adjusting items appropriated by Chapter 89-253, Laws of Florida; providing an effective date.

On motion by Senator Margolis, by two-thirds vote HB 53-D as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Gardner	Malchon	Thomas
Bankhead	Girardeau	Margolis	Thurman
Beard	Grizzle	McPherson	Weinstein
Brown	Jennings	Meek	Weinstock
Crenshaw	Johnson	Myers	Woodson-Howard
Deratany	Kirkpatrick	Scott	
Dudley	Kiser	Souto	
Forman	Langley	Stuart	

Nays—5

Bruner	Diaz-Balart	Walker
Childers, D.	Plummer	

Vote after roll call:

Nay—W. D. Childers

Yea to Nay—Souto

**Conferees on HB 53-D Appointed**

The President appointed Senator Margolis, Chairman; Senators Myers, Weinstock, Bankhead and Davis.

On motion by Senator Plummer, by two-thirds vote SB 23-D was withdrawn from the Committee on Health Care.

On motions by Senator Plummer, by unanimous consent—

**SB 23-D**—A bill to be entitled An act relating to the Lower Florida Keys Hospital District, Monroe County; adding s. 3B to chapter 67-1724, Laws of Florida, as amended, relating to the powers and duties of the district; expanding the powers of the governing board to authorize certain transactions; providing for financial disclosure; providing an effective date.

—was taken up instanter and read the second time by title.

Senator Plummer moved the following amendments which were adopted:

**Amendment 1**—On page 4, strike all of lines 17 and 18 and insert: Statutes.

**Amendment 2**—In title, on page 1, strike all of lines 11-20

On motion by Senator Plummer, by two-thirds vote SB 23-D as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Mr. President	Dudley	Langley	Thomas
Bankhead	Forman	Malchon	Thurman
Beard	Gardner	McPherson	Walker
Brown	Girardeau	Meek	Weinstein
Bruner	Grizzle	Myers	Weinstock
Childers, W. D.	Jennings	Plummer	Woodson-Howard
Crenshaw	Johnson	Scott	
Deratany	Kirkpatrick	Souto	
Diaz-Balart	Kiser	Stuart	

Nays—None

Vote after roll call:

Yea—D. Childers

**INTRODUCTION AND REFERENCE OF BILLS****First Reading**

By Senator Forman—

**SB 29-D**—A bill to be entitled An act relating to public transit; amending s. 341.302, F.S.; directing the Department of Transportation to enter an agreement with the Florida High-Speed Rail Transportation Commission to handle certain administrative matters for the commission in a certain manner; modifying the authority of the department with respect to developing and administering state standards concerning the safety and performance of rail systems and operations; amending s. 341.324, F.S.; authorizing the commission to prepare and adopt a budget

and to delegate certain authority and responsibility to its executive director; amending s. 341.325, F.S.; authorizing the commission to conduct feasibility and planning studies for regional and high-speed rail facilities and services and to develop and enforce state safety and performance standards for high-speed and magnetic levitation rail systems and services; creating s. 341.3255, F.S.; prescribing the authority of the commission with respect to the coordination of intercity, regional, and high-speed rail systems and services; providing for withholding of funds until inconsistencies with commission policies are corrected; amending s. 341.334, F.S.; providing for reimbursement of the department for eminent domain expenditures made on behalf of the commission; amending ss. 341.336, 341.343, 341.346, 341.352, 341.353, F.S.; providing that a hearing required under ss. 341.321-341.386, F.S., with respect to a high-speed rail line franchise application be conducted by a single hearing officer rather than a panel of hearing officers; providing an effective date.

—was referred to the Committees on Transportation and Appropriations.

**Consideration of Resolution**

On motion by Senator Thurman, by the required constitutional two-thirds vote of the Senate the following resolution was admitted for introduction:

By Senator Thurman—

**SR 30-D**—A resolution recognizing November 17-23, 1989, as "Farm City Week."

WHEREAS, since 1955, the National Farm-City Council, coordinated by the Kiwanis International has fostered understanding and cooperation between rural and urban citizens, and

WHEREAS, the development of an understanding of the interaction between farmers and urban consumers is important for the economy and the environment, and

WHEREAS, due to enormous population growth, it is especially important for the rural and urban communities of this state to develop harmonious relationships to address land use issues and needs for agricultural products, and

WHEREAS, the Senate recognizes that there is a need to increase public awareness of issues related to agricultural business and a need for activities that bring rural and urban communities together to address such issues, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Senate joins the National Farm-City Council in recognizing the week of November 17-23, 1989, ending on Thanksgiving Day, as "Farm City Week" and encourages both rural and urban citizens to participate in the celebration to learn more about the interdependence of rural and urban communities.

—which was referred to the Committee on Rules and Calendar.

On motions by Senator Thurman, by two-thirds vote SR 30-D was withdrawn from the Committee on Rules and Calendar and by unanimous consent taken up instanter.

On motion by Senator Thurman, SR 30-D was read the second time in full and adopted. The vote on adoption was:

Yeas—35

Mr. President	Diaz-Balart	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	McPherson	Walker
Childers, D.	Grizzle	Meek	Weinstein
Childers, W. D.	Jennings	Myers	Weinstock
Crenshaw	Johnson	Plummer	Woodson-Howard
Deratany	Kirkpatrick	Scott	

Nays—None

## RECESS

On motion by Senator Scott, the Senate recessed at 10:30 a.m. to reconvene upon call of the President.

## CALL TO ORDER

The Senate was called to order by the President at 11:06 p.m. A quorum present—31:

Mr. President	Deratany	Kiser	Stuart
Bankhead	Dudley	Malchon	Thomas
Beard	Forman	Margolis	Thurman
Brown	Girardeau	Meek	Walker
Bruner	Grant	Myers	Weinstein
Childers, D.	Grizzle	Plummer	Weinstock
Childers, W. D.	Jennings	Scott	Woodson-Howard
Crenshaw	Kirkpatrick	Souto	

Excused: Senator Langley

## READING OF PROCLAMATION

By direction of the President, the following Proclamation was read by the Secretary:

**THE FLORIDA LEGISLATURE  
SECOND AMENDED JOINT PROCLAMATION**

**TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE  
AND THE FLORIDA HOUSE OF REPRESENTATIVES:**

We, Bob Crawford, President of the Florida Senate, and Tom Gustafson, Speaker of the Florida House of Representatives, by virtue of the authority vested in us by Article III, Section 3(c), Florida Constitution, and Section 11.011, Florida Statutes, do hereby proclaim:

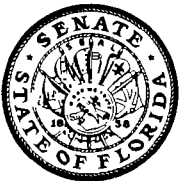
1. That our Joint Proclamation filed June 20, 1989, and first amended September 14, 1989, is hereby further amended to read:

"1. That the Legislature of the State of Florida is convened in Special Session pursuant to Article III, Section 3(c), Florida Constitution and Section 11.011, Florida Statutes, at the Capitol in Tallahassee, Florida at 9 a.m. on Wednesday, the 15th day of November, 1989, for a period of 4 days, ending at 12:00 noon, Saturday, November 18th, 1989.

2. That the Legislature is convened for the sole and exclusive purpose of consideration of legislation relating to:

- a) Transportation,
- b) Child Abuse, and
- c) State Budget and Financial Process and Procedure."

2. Except as amended by this Proclamation, the Joint Proclamation filed June 20, 1989 is ratified and confirmed.



*Bob Crawford*  
President, The Florida Senate  
November 17, 1989



*Tom Gustafson*  
Speaker, The Florida House  
of Representatives  
November 17, 1989



Duly filed with and received by the Florida Department of State this 17th day of November, 1989 by:

*Jim Smith*  
Secretary of State

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has admitted for introduction and consideration by the required Constitutional two-thirds vote and passed HB 22-D, as amended, and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By Representative Wise and others—

**HB 22-D**—A bill to be entitled An act relating to the City of Jacksonville; amending chapter 67-1320, Laws of Florida, as amended, being the Charter of the City of Jacksonville; authorizing the consolidated government to levy and collect special assessments on abutting, adjoining, contiguous, or other specially benefitted property, pursuant to chapter 170, Florida Statutes (1987), to pay all or part of the costs of constructing, reconstructing, repairing, and renovating sanitary sewer force mains and lift stations; providing an effective date.

Proof of publication of the required notice was attached.

On motion by Senator Bankhead, by the required constitutional two-thirds vote of the Senate, HB 22-D was admitted for introduction and referred to the Committee on Rules and Calendar.

On motions by Senator Bankhead, by two-thirds vote HB 22-D was withdrawn from the Committee on Rules and Calendar and by unanimous consent taken up instant.

On motions by Senator Bankhead, by two-thirds vote HB 22-D was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Deratany	Kiser	Stuart
Bankhead	Dudley	Malchon	Thomas
Beard	Forman	Margolis	Thurman
Brown	Girardeau	Meek	Walker
Bruner	Grant	Myers	Weinstein
Childers, D.	Grizzle	Plummer	Weinstock
Childers, W. D.	Jennings	Scott	Woodson-Howard
Crenshaw	Kirkpatrick	Souto	

Nays—None

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has admitted for introduction and consideration by the required Constitutional two-thirds vote and passed HB 21-D and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By Representative Roberts—

**HB 21-D**—A bill to be entitled An act relating to the Canaveral Port District, Brevard County; amending chapter 28922, Laws of Florida, 1953, as amended, authorizing the Canaveral Port Authority to lease port lands for a period of ninety-nine (99) years; providing an effective date.

Proof of publication of the required notice was attached.

On motion by Senator Deratany, by the required constitutional two-thirds vote of the Senate, HB 21-D was admitted for introduction and referred to the Committee on Rules and Calendar.

On motions by Senator Deratany, by two-thirds vote HB 21-D was withdrawn from the Committee on Rules and Calendar and by unanimous consent taken up instant.

On motions by Senator Deratany, by two-thirds vote HB 21-D was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:



Yeas—31

Mr. President	Deratany	Kiser	Stuart
Bankhead	Dudley	Malchon	Thomas
Beard	Forman	Margolis	Thurman
Brown	Girardeau	Meek	Walker
Bruner	Grant	Myers	Weinstein
Childers, D.	Grizzle	Plummer	Weinstock
Childers, W. D.	Jennings	Scott	Woodson-Howard
Crenshaw	Kirkpatrick	Souto	

Nays—None

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has passed SB 27-D.

*John B. Phelps, Clerk*

The bill contained in the foregoing message was ordered enrolled.

**INTRODUCTION AND REFERENCE OF BILLS****First Reading**

On motion by Senator Margolis, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senator Margolis—

**SB 31-D**—A bill to be entitled An act making supplemental appropriations; providing moneys for the annual period beginning July 1, 1989 and ending June 30, 1990, to pay salaries, other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; supplementing or adjusting items appropriated by Chapter 89-253, Laws of Florida; providing an effective date.

—which was referred to the Committee on Appropriations.

On motions by Senator Margolis, by two-thirds vote SB 31-D was withdrawn from the Committee on Appropriations and by unanimous consent taken up instant.

On motion by Senator Margolis, by two-thirds vote SB 31-D was read the second time by title.

Senator Margolis moved the following amendment which was adopted:

**Amendment 1—**

SECTION 01, PAGE 01	STRIKE:	INSERT:
ITEM 2A		

DEPARTMENT OF EDUCATION  
PUBLIC SCHOOLS, DIVISION OF

2A	SPECIAL CATEGORIES	
	GRANTS AND AIDS-DROPOUT PREVENTION	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND	3,200,000

Add the following new proviso:

From funds in Specific Appropriation 2A, \$1,950,000 is for Florida First Start as described in Chapter 89-379, Laws of Florida; and \$1,250,000 is for Teen Parent/Parenting Education to be spent in accordance with s. 230.2316, F. S.

HRS

DEPUTY SECRETARY FOR HEALTH

SPECIAL CATEGORIES	
AREA HEALTH EDUCATION CENTERS	
FROM GENERAL REVENUE FUND	1,500,000

CHILDREN'S MEDICAL SERVICES	
SPECIAL CATEGORIES	
G/A - REGIONAL PERINATAL	
INTENSIVE CARE CENTER/	
SPECIAL BASE CONTRACTS	
FROM GENERAL REVENUE	1,500,000

## MEDICAID SERVICES

## SPECIAL CATEGORIES

GA/STATE/COUNTY SHARED PROGRAM  
FROM GENERAL REVENUE

3,000,000

SECTION 01, PAGE 3  
ITEM 9

STRIKE:

INSERT:

DHRS-CYF

9	SALARIES AND BENEFITS	POSITIONS	599	618
	FROM GENERAL REVENUE		4,664,090	4,879,380

10	EXPENSES			
	FROM GENERAL REVENUE		314,610	405,492

11	OCO			
	FROM GENERAL REVENUE		83,069	149,360

And insert proviso following existing proviso:

"From General Revenue funds in Specific Appropriations 9, 10 and 11, \$215,290, \$90,882, and \$66,291, respectively, are for 19 Foster Care Licensing Services positions.

Insert new Items after #13

13A	SPECIAL CATEGORY	
	CHILD CARE PARTNERSHIP PROGRAM	
	FROM GENERAL REVENUE	333,333

And insert proviso:

Funds in Specific Appropriation 13A shall be for funding the Child Care Partnership Act as provided for in s. 409.178, F.S.

13B	SPECIAL CATEGORY	
	FOSTER HOME CARE FOR CHILDREN	
	FROM GENERAL REVENUE	452,840

And insert proviso:

Funds in Specific Appropriation 13B are for a rate increase for Foster Care effective March 1, 1990.

NET IMPACT ON GR	7,158,636
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Senators Plummer, Woodson-Howard and Grizzle offered the following amendment which was moved by Senator Plummer and failed:

**Amendment 2—**

SECTION 2, PAGE 8  
ITEM 21

STRIKE:

INSERT:

FIXED CAPITAL  
DEPARTMENT OF CORRECTIONS  
MAJOR INSTITUTIONS

21	FIXED CAPITAL OUTLAY	
	PLANNING/PRIVITIZATION/SINGLE ALL	
	FROM GENERAL REVENUE	1

And strike all proviso following Item 21

Senator Weinstock moved the following amendment which was adopted:

**Amendment 3—**On page 1, insert a new Section 1:

Section 1. This act shall be known and may be cited as the Bradley McGee Act.

(Renumber subsequent sections.)

On motion by Senator Margolis, by two-thirds vote SB 31-D as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

## Yeas—30

Mr. President	Deratany	Kiser	Thomas
Bankhead	Dudley	Malchon	Thurman
Beard	Forman	Margolis	Walker
Brown	Girardeau	Meek	Weinstein
Bruner	Grant	Myers	Weinstock
Childers, D.	Grizzle	Scott	Woodson-Howard
Childers, W. D.	Jennings	Souto	
Crenshaw	Kirkpatrick	Stuart	

## Nays—None

On motion by Senator Margolis, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senator Margolis—

**SB 32-D**—A bill to be entitled An act relating to appropriations; providing implementing and administering provisions for the Supplemental Appropriations Act for fiscal year 1989-1990; amending s. 18.125, F.S.; expanding investment powers of the State Treasurer; providing the Attorney General with certain oversight responsibility with respect to the Department of Health and Rehabilitative Services; providing certain access to confidential information; providing that attorneys funded in the November 1989 Supplemental Appropriations Act shall provide legal representation in specified cases under ch. 39, F.S.; prohibiting the department from contracting for legal representation in such cases without the prior approval of the Attorney General; authorizing certain public education capital outlay projects with prior approval and funding, conditioned on specified millage commitments; authorizing the Florida School for the Deaf and the Blind to fund the cost of personnel screening and security background investigations for employment applicants; authorizing a transfer of funds from the State Infrastructure Fund to the Working Capital Fund; requiring state agency legislative budget requests for fiscal year 1990-1991 to restore any budget reductions implemented in fiscal year 1989-1990; providing effective and expiration dates.

—which was referred to the Committee on Appropriations.

On motions by Senator Margolis, by two-thirds vote SB 32-D was withdrawn from the Committee on Appropriations and by unanimous consent taken up instanter.

On motions by Senator Margolis, by two-thirds vote SB 32-D was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—30

Mr. President	Deratany	Kiser	Thomas
Bankhead	Dudley	Malchon	Thurman
Beard	Forman	Margolis	Walker
Brown	Girardeau	Meek	Weinstein
Bruner	Grant	Myers	Weinstock
Childers, D.	Grizzle	Scott	Woodson-Howard
Childers, W. D.	Jennings	Souto	
Crenshaw	Kirkpatrick	Stuart	

## Nays—None

## CORRECTION AND APPROVAL OF JOURNAL

The Journal of November 16 was corrected and approved.

## CO-INTRODUCERS

Senator Davis—SB 18-D

## RECESS

On motion by Senator Scott, the Senate recessed at 11:51 p.m.

## ADJOURNMENT

The hour of 12:00 noon on Saturday, November 18, having arrived, Special Session D, as extended by the Second Amended Joint Proclamation dated November 17, 1989, expired and the Senate stood adjourned sine die.